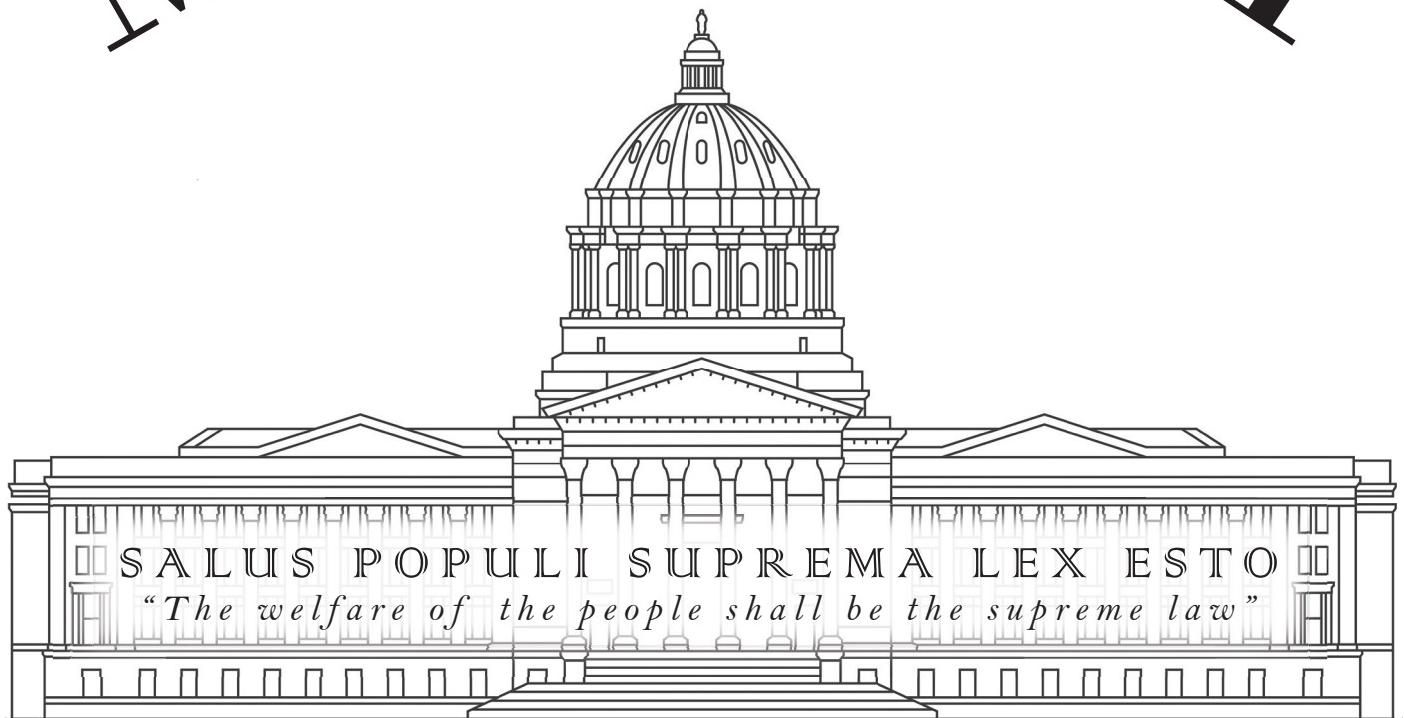


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February 15, 2023

MISSOURI



REGISTER

John R. Ashcroft  Secretary of State

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John R. Ashcroft**

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

**EDITOR-IN-CHIEF
CURTIS W. TREAT**

**MANAGING EDITOR
STEPHANIE MARTIN**

**PUBLICATION SPECIALIST II
JACQUELINE D. WHITE**

**EDITOR II
VONNE KILBOURN**

**EDITOR
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**ADMINISTRATIVE AIDE III
TAMMY WINKELMAN**

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MISSOURI REGISTER



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May 15, 2023	June 15, 2023	June 30, 2023	July 30, 2023

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system—

Title	CSR	Division	Chapter	Rule
3 Department	Code of State Regulations	10- Agency division	4 General area regulated	115 Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code and Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Inspection Act and the Poultry Products Inspection Act. State MPI programs must stay current with and be able to explain how their programs are equal to FSIS regulations to ensure their rules are "at least equal to" USDA/FSIS and in compliance with federal regulations. Therefore, an amendment to clarify the most current federal meat and poultry inspection regulations are being incorporated by reference and provide enforcement authority in Missouri. This regulation applies to approximately fifty-seven (57) state inspected meat and poultry establishments and three hundred thirty-seven (337) custom exempt plants in Missouri, which as a whole, produces millions of dollars in Missouri's economy. This emergency amendment protects the public health, safety, and/or welfare under a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protection extended in the Missouri and United States Constitutions. The Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed January 9, 2023, becomes effective January 24, 2023, and expires July 22, 2023.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations* (January [2022] 2023), herein incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, D.C. 20402-0001, phone: toll-free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 265.020, RSMo 2016. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Jan. 9, 2023, effective Jan. 24, 2023, expires July 22, 2023. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 30 – Animal Health
Chapter 10 – Food Safety and Meat Inspection**

EMERGENCY AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The director is amending section (2).

PURPOSE: *This amendment ensures that the current rule language clearly includes the most recent publication of Part 300 to end of Title 9, the *Code of Federal Regulations* for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations and maintain "equal to" status as determined by the United States Department of Agriculture/Food Safety and Inspection Service.*

EMERGENCY STATEMENT: *This emergency amendment is necessary to serve the compelling governmental interest to inform state agencies and the public of the most current adoption of Title 9 *Code of Federal Regulations* Parts 300 to end is incorporated into state regulation. The State Meat and Poultry Inspection (MPI) programs are required to operate in a manner and with authorities that are "at least equal to" the antemortem and postmortem inspection, re-inspection, sanitation, recordkeeping, and enforcement provisions as provided for in the Federal Meat*

The text of proposed rules and changes will appear under this heading. A notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This explanation is set out in the PURPOSE section of each rule. A citation of the legal authority to make rules is also required, and appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules that are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close-of-comments date will be used as the beginning day in the ninety- (90-) day count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice, file a new notice of proposed rulemaking, and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**TITLE 1 – OFFICE OF ADMINISTRATION
Division 10 – Commissioner of Administration
Chapter 1 – Organization**

PROPOSED AMENDMENT

1 CSR 10-1.010 Organization, Methods of Operation, and Requests for Information. The commissioner is amending section (1), removing sections (2) – (8), and adding new sections (2) – (9).

PURPOSE: This amendment updates outdated information describing the Office of Administration.

(1) Appointed by the governor and confirmed by the senate, the commissioner of administration supervises [*a four hundred fifty (450)-employee*] the state's service and administrative control agency and serves as a policy advisor to the governor. Whenever provisions of the statutes grant powers, impose

duties, or make other reference to the comptroller, the director of Budget, the director of the Division of Planning and Construction, the state purchasing agent, or the director of Administrative Services, they are construed as referring to the commissioner of administration. [*The Office of Administration is the state's service and administrative control agency.*] The [*state's*] divisions of accounting[*;*], budget and planning[*;*], facilities management, design and construction[*;*], [electronic data processing (EDP) coordination,] general services; information technology services; personnel[*;*]; and purchasing [*and planning functions*] are within the Office of Administration. Additionally, the Office of Administration provides varying levels of support and/or oversight to a number of boards and commissions pursuant to statute. Requests for information can be submitted to: [*Commissioner*] Office of Administration, [*Capitol Building*] PO Box 809, Jefferson City, MO [65101] 65102-0809.

[*(2) The Division of Accounting performs the controllership function. It maintains the general and fund account ledgers, performs preaudit and approves all payment requisitions and operates the Social Security program for all political subdivisions in the state. The division processes and approves all state payrolls. In addition, it performs special audit activities on Workers' Compensation claims for state employees and criminal cost reimbursements to counties and sheriffs. The division issues monthly and annual financial summaries of receipts, disbursements and appropriation status of each fund and department along with federally required Census Bureau and Revenue Sharing reports. The division, along with the Division of Budget and Planning, prescribes the form of annual reports of actual receipts and expenditures of each department.*

[*(3) The Division of Electronic Data Processing Coordination controls the acquisition and use of EDP and automatic data processing (ADP). The division develops and implements long range computer facility plans for the use of EDP; maintains inventories of, and approves all additions and deletions of EDP hardware, software, support services and service centers. The division establishes procedures in conjunction with the Division of Accounting to be used by all service centers when performing EDP service for any agency. The division supervises the state's telephone system.*

[*(4) The Division of Design and Construction performs professional services relating to state physical facilities and selects architects and professional engineers for capital improvement projects. It assists agencies in preparing their capital improvement budget requests. It is responsible for state-owned buildings at the seat of government. The division performs maintenance and housekeeping functions and maintains a complete inventory of all real estate buildings and facilities of state government. The division prepares an analysis of the long range plan for repair, construction, rehabilitation and utilization of all state property.*

[*(5) The Personnel Division has the statutory responsibility for administration of the State Merit System Law, Chapter 36, RSMo (1986) and the rules adopted by the Personnel Advisory Board.*

[*(A) The Personnel Division prepares classification and pay plans, recruits job applicants, conducts employment examinations, prepares and maintains employment registers and certifies eligibles for consideration for employment by merit agencies and approves personnel transactions and agency payrolls to insure compliance with merit system rules. Requests*

for information in these areas should be sent directly to the Division of Personnel, P.O. Box 388, Jefferson City, MO 65102.

(B) The Personnel Advisory Board within the Personnel Division approves the classification and pay plans, adopts personnel rules and hears appeals of employees from disciplinary actions. Appeals and requests for information from the board should be directed to the board at the office of the Personnel Division.

(6) The Division of Purchasing is responsible for the purchase of supplies, printing, services and equipment and centralized warehouse functions for state departments. It also is responsible for the operation of printing units, under Chapter 34, RSMO (1986). It maintains inventories for all state-owned equipment including the distribution and transfer of surplus property and administers the federal surplus property program. The division operates a cooperative procurement program for political subdivisions of the state.

(7) The Division of Budget and Planning provides technical assistance to agencies in preparing budgets. It reviews and prepares the preliminary executive budget. It is responsible for allotment control and allotment preparation. The division conducts an on-going analysis of agency programs including assessment of impact of proposed state and federal legislation. The division provides assistance and coordination in matters relating to planning to state departments. It develops and updates the comprehensive state plan. The division administers the Housing and Urban Development (HUD) 701 program, the Office of Management and Budget (OMB) A-95 review program and is liaison with the Federal Regional Council. The division provides technical and management assistance to the governor's office and state departments on matters of administration or procedure including personnel, finance, public administration and industrial engineering.

(8) The Staff Services Unit provides support to the commissioner of administration including purchasing, bookkeeping, personnel information and preparation of budget requests for the department.]

(2) The Division of Accounting provides central accounting and central payroll system services for state government, producing checks and electronic payments for state vendors and state employees. The division publishes annual financial reports, administers bond sales for the Board of Fund Commissioners, Board of Public Buildings, and Board of Unemployment Fund Financing, and administers the Social Security coverage for all employees of the state and its political subdivisions.

(3) The Division of Budget and Planning analyzes budget policy issues and provides information to the Commissioner of Administration, the governor's office, the General Assembly, Missouri's congressional delegation and state, local, and federal agencies. The division prepares the budget instructions, reviews agency budget requests, prepares the annual executive budget, analyzes economic and demographic conditions, forecasts state revenues, and conducts technical policy and program analyses. To assist in state government management, the division controls appropriation allotments, manages the automated state budget system, prepares legislative fiscal notes, reviews legislation, tracks agency performance measures, analyzes and develops policy options, and reviews federal issues and their impact on Missouri. The division coordinates preparations for, and assistance during, elected-official transitions. The division compiles population estimates

and projections, provides technical assistance during decennial reapportionment, and is Missouri's liaison to the U.S. Bureau of the Census.

(4) The Division of Facilities Management, Design and Construction provides asset management services to assist state entities in meeting their facility needs for the benefit of the public. The mission is to provide a superior workplace environment for state occupants and their visitors and protect the state's investments in property assets. The goal of the division is to provide agencies with the information and resources that will support their development of high-performance workplaces – workplaces that will meet agency business needs and can be readily adapted to changing workplace practices and strategies.

(5) The Division of General Services manages the Missouri State Employees Charitable Campaign and provides the following essential support services to state departments:

(A) Central Mail Services advises agencies on efficient mailing practices and provides comprehensive mailing services to most state agencies operating within the Jefferson City area;

(B) Fleet Management establishes statewide policies governing state vehicle operations and management, coordinates a centralized fleet information system, operates a consolidated carpool serving agencies in the Jefferson City area, and serves as a resource for fleet management issues;

(C) Risk Management administers the Legal Expense Fund and the workers' compensation program for state employees, purchases insurance as required, and advises state agencies on risk management issues;

(D) State Printing provides comprehensive copying services including design, printing, finishing, and quick copy services;

(E) State Recycling coordinates statewide recycling efforts and serves as a resource for recycling issues;

(F) Surplus Property transfers and disposes of state surplus property and distributes excess federal property to eligible entities; and

(G) Vehicle Maintenance operates a centralized maintenance facility to provide mechanical repairs and body-shop services for state vehicles based in the mid-Missouri area.

(6) The Information Technology Services Division provides technology and communication services and solutions to the consolidated state's agencies so they can efficiently and effectively serve the citizens of Missouri. It offers centralized staff and resources in a single unified entity and supports fourteen (14) executive branch departments. The organizational model allows for enterprise standards and guidance in the common areas of security, networking, data management, server administration, end user support, technical architecture, and application management.

(7) The Division of Personnel oversees personnel policies that impact the State of Missouri workforce including the Uniform Classification and Pay System (UCP). In collaboration with human resources professionals from each of the executive departments, the division develops and implements initiatives designed to benefit the state team member life-cycles, including talent acquisition, professional development, awards and recognition, and leadership and skill-based training. The division also

performs the following functions:

- (A) Ensures employees are assigned to appropriate job classes and develops and administers position classifications for agencies covered by the UCP;
- (B) Provides pay, leave, and reporting information on the UCP pay plan;
- (C) Interprets policies and regulations on pay, leave, and hours of work;
- (D) Provides workforce reports and assistance with the human resources and payroll system;
- (E) Ensures personnel transactions are in compliance with state personnel law;
- (F) Administers statewide recognition programs and coordinates the employee discount program; and
- (G) Provides human resource support for the Office of Administration.

(8) The Division of Purchasing is responsible for the procurement of all state-required supplies, materials, equipment, and professional or general services, except for those agencies exempted by law. The division executes procurement functions in accordance with applicable statutes by maximizing competition in the procurement process, conducting evaluations and negotiations as appropriate, and awarding contracts to the "lowest and best" vendors. Additionally, the division is responsible for cooperative contracts, emergency procurement authorizations, single feasible source contracts, special delegations of authority, and other procurement authorizations as permitted by law.

(9) In addition to the divisions discussed above, various programs and offices are housed within the Office of Administration. These include but are not limited to the Office of Equal Opportunity, the Prescription Drug Monitoring Program, and the Office of Child Advocate.

AUTHORITY: section 536.023, RSMo [1986] 2016. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Jan. 6, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, PO Box 809, Jefferson City, MO 65102-0809. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 1 – OFFICE OF ADMINISTRATION Division 20 – Personnel Advisory Board and Division of Personnel Chapter 6 – Management Training

PROPOSED AMENDMENT

1 CSR 20-6.010 Leadership Development. The Personnel Advisory Board is amending section (2).

PURPOSE: This amendment adds a required training topic and reduces the number of training hours required per year.

(2) Training Program Policy and Development. Agencies must provide for the development of employees in supervisory positions. Agencies must issue written policies to ensure they –

(B) Provide training within six (6) months of an employee's initial appointment to a supervisory position that includes, but is not limited to: –

1. Mentoring and Coaching. The ability to provide an employee with constructive feedback that is information-specific, issue-focused, based on observations, used to improve performance, and accelerates the employee's professional development;

2. Interviewing. The ability to interview and hire employment candidates by using best practices and a general understanding of the overall hiring process;

3. Project Management and Continuous Improvement. The ability to identify opportunities for improving the efficiency and effectiveness of work, develop project plans to implement changes, and manage results; *[and]*

4. Communication. The ability to communicate with employees and other stakeholders in a way that is clear, personalized, transparent, empathetic, collaborative, and inspiring; and

5. Leadership. The ability to influence and guide employees and others in order to accomplish the goals of the agency and state, and the ability to identify or develop the goals where appropriate;

(D) Institute a structure for supervisors, managers, and executives to dedicate time toward professional development and leadership no less than *[an average of one (1) hour each week]* forty (40) hours each state fiscal year; and

AUTHORITY: sections 36.070 and 36.510, RSMo Supp. [2019] 2022. Original rule filed Oct. 7, 1985, effective Jan. 12, 1986. Amended: Filed Nov. 15, 2000, effective May 30, 2001. Amended: Filed June 1, 2009, effective Nov. 30, 2009. Amended: Filed Oct. 1, 2019, effective March 30, 2020. Amended: Filed Jan. 6, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Personnel Advisory Board, Attn: Casey Osterkamp, Secretary, 301 W. High St., Room 430, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 2 – DEPARTMENT OF AGRICULTURE Division 30 – Animal Health Chapter 10 – Food Safety and Meat Inspection

PROPOSED AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The director is amending section (2).

PURPOSE: This amendment ensures that the current rule language clearly includes the most recent publication of Part 300 to end of Title 9, the **Code of Federal Regulations** for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations, and maintain "equal to" status as determined

by the United States Department of Agriculture/Food Safety and Inspection Service.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations* (January [2022] 2023), herein incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, D.C. 20402-0001, phone: toll-free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 265.020, RSMo 2016. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Jan. 9, 2023, effective Jan. 24, 2023, expires July 22, 2023. Amended: Filed Jan. 9, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Meat Inspection Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 80 – State Milk Board
Chapter 5 – Inspections

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending the purpose and section (1).

PURPOSE: This amendment sets the inspection fees for the 2024 fiscal year.

PURPOSE: This rule complies with section 196.945, RSMo, to set inspection fees for Fiscal Year [2023] 2024 for milk produced on farms inspected by the State Milk Board and milk imported from points beyond the limits of routine inspection.

(1) The inspection fee for Fiscal Year [2023] 2024 (July 1, [2022] 2023–June 30, [2023] 2024) shall be four and a quarter cents (4.25¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the **Code of State of Regulations**. Amended: Filed Jan. 9, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Amy Luecke, PO Box 630, Jefferson City, MO 65102 or by email to amy.luecke@mda.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 100 – Office of Quality Schools

PROPOSED AMENDMENT

5 CSR 20-100.230 Virtual Instruction Program. The State Board of Education is amending sections (1), (2), (4), (6), (7), (8), and (9), deleting sections (3) and (5), adding new sections (6) and (9), and renumbering accordingly.

PURPOSE: This amendment establishes operating procedures aligned with new provisions for the Missouri Course Access and Virtual School Program legislation that went into effect on August 28, 2022. Specifically, there is separation of policies and procedures for students who enroll in full-time hosted MOCAP programs and students who enroll in MOCAP courses.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) General [] Information.

(A) MOCAP publishes a course catalog of approved courses on its website for any kindergarten through grade twelve (K-12) students residing in Missouri. All MOCAP teachers are Missouri appropriately certified. All courses offered through MOCAP are aligned with Missouri Learning Standards. Failure of an LEA provider established through section 161.670.3(14), RSMo, to stay in compliance with this rule may result in the department revoking, suspending, or taking other corrective action regarding the authorization of the provider and/or courses.

(B) The department shall publish a MOCAP guidance document on its website. The department will provide the guidance document for all school districts, charter schools, and virtual providers in written and electronic forms.

(2) Access.

(A) LEAs.

1. LEAs shall inform parents/guardians of their child's right to participate in MOCAP by providing a copy of the department's guidance document to every student and parent or legal guardian of every student enrolled in the LEA at the beginning of each school year, and at the time of enrollment for students enrolling at a different time of the school year. LEAs shall provide a readily viewable link to the electronic version of the guidance document on the main page of the LEA's website. LEAs shall ensure that the

availability of the MOCAP program is made clear in the –

- A. Parent/Guardian Handbook;
- B. Registration documents; and
- C. [Featured] LEA website by featuring the MOCAP website link on the LEA's homepage [of the LEA website].

[2. Kindergarten students are considered eligible to enroll in MOCAP after their first semester of full-time enrollment in a public school, provided the student meets the other MOCAP requirements. This applies to students fully enrolled in a school-sponsored early childhood program. Virtual learning in Missouri does not begin until kindergarten as required by section 161.670.1, RSMo.]

(B) MOCAP Providers.

1. All MOCAP [P]roviders shall ensure students have weekly, ongoing interaction with their assigned teachers, for the purposes of instruction, feedback, and/or communication.

2. All MOCAP [P]roviders shall ensure enrolled students have multiple methods of communication with teachers such as email, telephone, office hours, and synchronous tools (e.g., online chat, etc.). This must include providing students with a direct form of verbal communication. A general phone number that requires students to "hold for the next available teacher," or something similar, is not acceptable. All MOCAP [P]roviders' teachers should respond to student messages within twenty-four (24) hours on school days, defined as non-holiday weekdays, when school is in session.

3. The LEA shall be able to interact with [the] unhosted MOCAP course providers' educators from whom the LEA has students receiving instruction, as needed, throughout the online course via multiple methods such as email, telephone, office hours, and synchronous tools (e.g., online chat, etc.). This communication shall not be limited to one (1) specific method.

4. Each full-time MOCAP hosted provider shall develop, adopt, and post on the provider's website a policy outlining the consequences, including disenrollment, for a student who fails to complete required instructional activities, as outlined in section 161.670.4(1)(a)-(h), RSMo. The parent shall have the opportunity to present information prior to any final disenrollment decision.

5. If a full-time MOCAP hosted provider disenrolls a student from a full-time program for failure to complete required instructional activities, the full-time provider shall provide written notification to the student's school district of residence within five (5) business days, defined as any non-holiday weekday. The student's school district of residence shall then provide to the parent or guardian of the student a written list of available educational options within the next five (5) business days. The resident district shall enroll the student in the selected option according to regular district enrollment procedures.

(3) Credit. Course credit earned through MOCAP shall be recognized by all LEAs in Missouri.

(A) Providers will notify LEAs of the percentage complete and the grade percentage earned in each course.

(B) LEAs shall recognize course credit earned through MOCAP, as long as the provider and course are MOCAP approved.

(C) LEAs will accept all transfer credit earned from any MOCAP course.

(D) LEAs will ensure transcripts specify which credits were earned through MOCAP courses.]

(4)[3] MOCAP Provider and Course Inclusion in the MOCAP Catalog. There are two (2) methods by which virtual providers and virtual coursework will be included in the MOCAP Catalog:

(A) Request for Proposals. If more than one (1) provider

is determined to be in compliance with the provisions of section 161.670, RSMo, the requirements of this rule, to meet qualifications of the MOCAP Qualified Vendor List, to be responsive to the request for proposal issued by the department by meeting the standards for course alignment to Missouri State Learning Standards, web accessibility for students with disabilities, agreeing to all mandatory contractual terms specified within the request for proposal, agreeing to acceptable contractual terms for all negotiable contractual items within the request for proposal, and section 162.1250, RSMo, the department shall ensure that multiple content providers are allowed; and

(B) LEAs.

1. LEAs may request that the department include virtual courses offered by the LEA in the MOCAP catalog.

2. In order to be included in a MOCAP catalog, LEAs must make requests to the MOCAP office by January 1 for inclusion in the fall catalog and by July 1 for inclusion in the spring catalog.

3. [The] An LEA offering online courses or full-time online programming is deemed to be an approved provider; The department will accept course and full-time provider submissions twice per year; however, before courses are included in the MOCAP catalog, the LEA must demonstrate that [they] it meets the requirements of sections 161.670 and 162.1250, RSMo, and other requirements for doing business in Missouri, as required by law, including[.] but not limited to[.]-

A. Pricing and billing structures meet the requirements of section 161.670, RSMo;

B. Student information is secure and the LEA's designee signs the department's attestation that they have measures in place to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. section 1232g; 34 C.F.R./R./ Part 99) and to prevent data breaches and that data breaches are reported pursuant to sections 162.1475 and 407.1500, RSMo;

C. Courses are taught by teachers appropriately certified by the department as required by section 161.670, RSMo;

D. Courses meet the standards of [section 161.935, RSMo] Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. section 794(d)), to assure compliance with federal web accessibility laws;

E. Courses are aligned to Missouri State Learning Standards;

F. Provide assurance through Cloud Service Agreement Review;

G. Provide the MOCAP checklist to the department to indicate which accommodations and modifications the provider is able to offer;

H. Certify business status, enrollment documentation, and work authorization when services are not provided directly by the LEA; [and]

I. Integrate with and utilize the student information system contracted by the department for student enrollment and data collection; and

[J.] Provide information to the department regarding products or services performed at sites outside of the United States, employee conflicts of interest, and proposed subcontractors.

4. If an LEA sponsors, co-brands, licenses, purchases, contracts for, or otherwise offers through MOCAP any virtual courses or a full-time virtual program, the LEA is the approved provider [The approved provider's responsibilities include, but are not limited to, complying with obligations of this rule, coordination of enrollment, billing, progress and completion reporting, educator assignment reporting, and dispute resolution.] and must comply with the MOCAP provider's responsibilities under state law.

[(5) Transfer. When a student transfers to another LEA, the MOCAP credit and enrollment(s) will also be transferred to the new LEA without interruption. This transfer provision applies equally to any transfer, including those associated with treatment facilities.]

[(6)](4) Reporting. The following are requirements for reporting MOCAP coursework:

(A) LEAs will report MOCAP courses using the appropriate **Core Data** delivery system codes specified by the department; and

(B) Providers.

1. *[The following requirements must be met for providers to be retained in the MOCAP catalog. Failure to meet these requirements will result in corrective action, including possible suspension or revocation, outlined in section 161.670, RSMo.]* Providers must –

A. Ensure that an **Education Services Plan (ESP)** and **Collaborative Agreement** is created for all students enrolled in a full-time virtual school;

B. Monitor individual student progress and engagement of students enrolled in instructional activities, as outlined in section 161.670.4(1)(a)-(h), RSMo; provide student progress reports for each student at least four (4) times per school year to the resident LEA; provide the host school district and the resident school district ongoing access to academic and other relevant information on student progress and engagement; and terminate or alter the course offering if it is found the course is not meeting the educational needs of the students;

C. In consultation with the host LEA, terminate or alter the virtual school program if it is not meeting the educational needs of the students;

[A.]D. Transmit reports to the department in a manner and format and on a timeline specified by the department;

[B.]E. Provide LEAs with accurate and timely progress reporting for **MOCAP course enrollments** through a secure online portal, updated at least weekly;

[C.]F. Provide LEAs with monthly billing invoices based on the student's completion of assignments and assessments for **MOCAP course enrollments** that include[s] the student's overall progress and current grade in the course; and

[D. Ensure the provider's teachers keep records up-to-date weekly and available for MOCAP staff, LEA personnel, and parents/guardians, to have online access to view a student's current progress; and]

E. Send final grade reports as a percentage of the course completed and as a percentage of the grade earned to the LEA and parent/guardian.]

G. Submit **Student Membership data** for full-time virtual program attendance center to the department in **Core Data** reports to ensure that state aid calculations can be completed.

2. All courses offered by MOCAP providers must use course numbers established by the department.

[(7)](5) MOCAP Course Enrollment [Decisions] Process.

(A) Each LEA shall adopt an enrollment policy by which a student may enroll into MOCAP courses that is substantially similar to the typical process the LEA would use to enroll students into non-virtual courses.

1. If a student, excluding students with an Individualized Education Program (IEP) or a Section 504 plan, requests enrollment in a MOCAP course *[or full-time virtual school]*, the LEA must either approve or deny the initial request within ten (10) business days, *[defined as any non-holiday weekday in which the administrative offices operate normal business hours]*. The ten (10) business day period will begin when the LEA receives

the request. *[A failure to render and communicate the initial decision and the right to appeal denial to the governing body of the LEA within ten (10) business days will be deemed to be an enrollment approval.]*

2. If the LEA denies the student's request to enroll in a MOCAP course, the LEA must provide written notification stating the reasons for the denial, with the reasons being for good cause. Good cause justification for denial is based on the educational best interests of the student and shall be consistent with the determination that would be made by the LEA for similar course requests, except that the LEA may also consider the suitability of virtual coursework based on prior participation in virtual courses by the student.

3. The LEA may not deny a student his or her choice of a MOCAP program because the LEA does not generally approve of virtual learning or because the LEA prefers a different virtual course or program.

4. A failure to render and communicate the initial decision and the right to appeal denial to the governing body of the LEA within ten (10) business days will be deemed to be an enrollment approval.

(B) MOCAP enrollment decisions for students with disabilities must be made by the student's IEP team or Section 504 committee.

(C) *[Appeals of denial of enrollment in MOCAP courses by the LEA's governing body can be made through the department's website: www.mocap.mo.gov. If a student or parent/guardian (appellant) files an appeal to the department of an enrollment decision, the department will notify the appellant and the LEA of receipt of the appeal. The appellant, when filing the appeal, must submit any and all material previously submitted to the governing board of the LEA whose decision is being appealed along with the final decision of the governing board. The LEA will have seventy-two (72) hours from the filing of the appeal to submit the full record, including evidence given by the LEA used to make the governing board's decision. The LEA must provide the initial good cause justification for the enrollment decision. If necessary, the department may ask for clarification of the materials presented.]* The LEA shall create an appeal process for denials of MOCAP course enrollments available to parents or guardians that uses a process which is substantially similar to the process that is available to students for appeals for students seeking to enroll in courses offered by the LEA. The LEA's governing board must render a decision within thirty (30) days.

(6) MOCAP Full-Time Hosted Program Enrollment Process.

(A) Each host LEA of a full-time virtual school program under MOCAP must operate and implement the following enrollment policy for students interested in enrolling in the program of his or her choice:

1. All necessary enrollment decisions should be made within ten (10) business days, unless additional time is necessary to complete the process;

2. The full-time virtual provider and host district shall make an enrollment decision after a MOCAP request from a resident district and provide the resident district and the student's parent or guardian with written notification of an enrollment decision;

3. To the extent that the resident LEA wishes to provide relevant information and input related to the student's requested enrollment into the MOCAP program, it must do so within ten (10) business days of notice of the student's enrollment application;

4. For any enrolling full-time MOCAP student, the student's parent or guardian, the virtual provider, the host district, and the resident district must work in good

faith to create an ESP and Collaborative Agreement that considers and outlines all education services and supports, facilities and financial terms needed for the educational programming of the student. The host district must complete a final draft of the student's ESP, Collaborative Agreement, and enrollment plan within five (5) business days of determining enrollment for the student;

5. For eligible students with a disability, the resident district Individualized Education Program (IEP) team must be engaged before beginning the transfer process to a full-time MOCAP program. After an Individuals with Disabilities Education Act (IDEA)-eligible student expresses intent or interest in enrollment in a full-time MOCAP program, the resident district's IEP team will hold a meeting to consider whether Free Appropriate Public Education (FAPE) can be provided by the host district. If the IEP team concludes that FAPE is able to be provided, the IEP team will draft an IEP contingent upon the student enrolling in the hosted MOCAP program. The resident district will contact the provider and/or the host district and notify them of the student's intent to enroll in the full-time hosted program. The host district will request educational records from the resident district and the host district and provider will review the special education records and consider enrollment of the student. If the enrollment is approved, the host district and the student's parent or guardian will complete the enrollment process. The host district will use the IDEA transfer process to accept or reject the IEP and evaluation report. The ESP and Collaborative Agreement exist separately from the IEP; and

6. Any full-time MOCAP student disenrolled from a hosted program who was not enrolled in a resident district prior to enrolling in the full-time MOCAP program will be counted as a dropout student in Core Data for the host district if the student enrolled in the hosted program without first enrolling in their resident district as required by section 160.670.2, RSMo.

(B) If a student's enrollment request is denied, the full-time MOCAP provider shall provide a written notification to the student, the student's parent or guardian, the host LEA, and the resident LEA setting forth the enrollment decision, and all reasons for such disapproval. The full-time MOCAP provider must provide such notification by the twelfth business day after the resident LEA is notified of the student's enrollment application and has provided information and input regarding the application or has not done so within the ten (10) business days allowed for such information. Failure to provide such written notification regarding the enrollment decision within that timeframe will result in the application being deemed approved.

(C) The full-time MOCAP provider must create an appeals process for any denial of an enrollment request that allows the parent or guardian a reasonable opportunity to present to the program's head of school, executive director, or similarly titled program leader any relevant information to be considered on appeal. The determination by the parent that the program is in the best educational interest of the student shall be given significant weight and will only be overruled based upon a preponderance of the evidence that the virtual program is not in the best educational interest of the student. The full-time MOCAP provider must render a decision within three (3) business days.

(8)(7) Each semester, LEAs must file with the department, in a manner and at the time specified by the department, the number of MOCAP applications they received along with the number of applications approved and the number denied.

[(9)](8) Instructional Process.

(A) LEAs.

1. Special Education/Section 504 Requirements.

A. Pursuant to the *[Individuals with Disabilities Education Act (IDEA)]* (20 U.S.C. section 1400, et seq., and its implementation regulations at 34 C.F.R. section 300) and the Americans with Disabilities Act (Section 504) (42 U.S.C. section 12101, et seq., and its implementation regulations at 34 C.F.R. section 104), the identification and education of students with disabilities or students who are in need of accommodations contained in an IEP and/or a Section 504 plan is the responsibility of the LEA that enrolls the student.

B. The IEP team or Section 504 committee of the student is responsible for making the determination that registering a student with an IEP or a Section 504 plan in a MOCAP course is in the educational best interest of the student and will confer *[a Free Appropriate Public Education (FAPE)]* FAPE.

C. If the IEP team or the Section 504 committee determine that a student's enrollment in MOCAP is appropriate, then the IEP or Section 504 plan may be revised to include the services, aids, supports, accommodations, and modifications that will be required in order for the IEP or Section 504 plan to be reasonably calculated to confer educational benefit to the student.

D. If an IEP team or a Section 504 committee determines that a student *[should be taking]* may enroll in MOCAP courses, the LEA shall send the MOCAP provider a description of the accommodations and modifications contained in the IEP or Section 504 plan. The LEA and provider(s) must work closely together to develop and implement a monitoring protocol or process to ensure that the provider is implementing the accommodations and modifications as written in the IEP or Section 504 plan. This will include participation in IEP team or Section 504 committee meetings by the provider's teacher, as necessary.

E. If a provider fails to implement accommodations and modifications, the IEP team or the Section 504 committee may reconsider approval for the student taking virtual courses at any time.

F. The LEA (through the IEP team or the Section 504 committee) may initially, or after reevaluation, determine that based upon a student's unique needs, an online program is not appropriate to confer FAPE, even with the provision of appropriate and individualized accommodations, modifications, aids, or services. Such a determination is subject to the parents'/guardians' rights and procedural safeguards under IDEA and Section 504, respectively.

G. The LEA shall provide to the MOCAP course provider the reasons for any determination by an IEP team or a Section 504 committee to discontinue any online program for a student enrolled in MOCAP courses, when it is related to failure on the part of the provider to provide the required accommodations and modifications.

(B) MOCAP Providers.

1. **MOCAP [P]roviders** shall furnish LEAs, parents or guardians, and students with policies on academic integrity, internet etiquette, plagiarism, and privacy before the beginning of each course. These policies must be emailed to the LEAs, parents/guardians or guardians, and students. The provider must post copies of all academic integrity, internet etiquette, and privacy information on the provider's website before providing courseware or services to any student.

2. **MOCAP [P]roviders** will treat all student personally identifiable information, as that term is defined in 34 C.F.R. section 99.3, as confidential, whether or not the student has been officially enrolled in the provider's program. Providers will notify the department, any impacted LEAs, and its affiliates and subcontractors, if applicable, in the event

of a data breach relating to student personally identifiable information, within twenty-four (24) hours, and will follow all applicable state and federal law with respect to required parent/guardian and student notifications.

3. Student-teacher ratios shall not exceed the recommended Missouri School Improvement Program (MSIP) classroom size guidelines for seated instruction set forth in 5 CSR 20-100.125. Within five (5) business days after receiving a student-teacher ratio request from the department, the course provider shall provide proof this requirement is being met.

4. Prior to adding a teacher or changing a teacher's course assignment during a semester, the provider shall communicate with the department to ensure certification requirements are met.

5. Special Education/Section 504 Requirements.

A. MOCAP [P]roviders must –

(I) Sign and return the accommodations and modifications checklist to the department;

(II) Work closely with the LEA to develop and implement a monitoring protocol or process to ensure that the accommodations and modifications are being implemented by the provider as written in the IEP or Section 504 plan. This will include participation in IEP team or Section 504 committee meetings by the provider's teacher, as necessary; and

(III) Work with the LEA staff to ensure that a student's IEP goals are being met and/or that a student has the required accommodations and modifications.

(9) 20 U.S.C. section 1232g; 34 CFR part 99; 29 U.S.C section 794(d); 20 U.S.C. section 1400 et seq.; 34 CFR section 300; and 42 U.S.C. section 12101, et seq.; which are incorporated by reference and made a part of this rule as published by the U.S. Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401-0001 in January 2023. Copies of these regulations can also be obtained from the Department of Elementary and Secondary Education, Office of Quality Schools, Education Support Services Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>.

AUTHORITY: section 161.092, RSMo 2016, and section 161.670, RSMo Supp. [2020] 2022. This rule previously filed as 5 CSR 50-500.010. Original rule filed Sept. 12, 2007, effective March 30, 2008. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 17, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Marlie Williams, Virtual Learning Administrator, 205 Jefferson Street, 65101, or by email to dese.mocap@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 8 – DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10 – Division of Employment Security
Chapter 4 – Unemployment Insurance

PROPOSED RESCISSON

8 CSR 10-4.200 Unemployment Automation Surcharge. This rule established procedures for calculating the unemployment automation surcharge and the conditions for receiving the contribution rate reduction provided in section 288.131, RSMo.

PURPOSE: *This rule is being rescinded as section 288.131 was rescinded in 2018.*

AUTHORITY: section 288.220, RSMo 2000. Original rule filed July 31, 2008, effective Jan. 30, 2009. Rescinded: Filed Jan. 5, 2023.

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Employment Security, Attn: Allen Andrews, Acting Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 8 – DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40 – State Board of Mediation
Chapter 2 – General Rules

PROPOSED AMENDMENT

8 CSR 40-2.010 Definitions. The board proposes to amend subsection (1)(B).

PURPOSE: *This amendment clarifies the rule and procedures.*

(1) The following definitions are listed to clarify the terminology applicable to these rules unless otherwise specifically provided or unless plainly repugnant to the intent of the law or the context:

(B) Chair means the chief administrator of the State Board of Mediation or an officer designated by the chair to act on the chair's behalf in instances when the chief administrator cannot perform his or her duties;

AUTHORITY: section 295.070, RSMo 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022, effective Oct. 30, 2022. Amended: Filed Jan. 12, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in

support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 8 – DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40 – State Board of Mediation
Chapter 2 – General Rules

PROPOSED AMENDMENT

8 CSR 40-2.100 Initial Action. The board proposes to amend section (1).

PURPOSE: This amendment clarifies the rule and procedures.

(1) Upon the filing of any petition, the chair shall confer with and may hold informal conferences with the known interested parties in an attempt to ascertain the facts. Whenever the chair shall determine that the parties are unable to agree upon any fact or matter, and *[they are]* the chair is unable to settle the controversy without hearing, the board shall conduct a hearing to resolve such matters. **Via email or written document, the chair shall notify the parties of the time and place of such a hearing at least ten (10) business days prior to the hearing, unless both parties mutually express to the chair a desire to hold the hearing on an earlier date.**

AUTHORITY: section 295.070, RSMo 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022, effective Oct. 30, 2022. Amended: Filed Jan. 12, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 8 – DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40 – State Board of Mediation
Chapter 2 – General Rules

PROPOSED AMENDMENT

8 CSR 40-2.140 Hearings. The board proposes to amend section (1) and subsection (11)(B).

PURPOSE: This amendment clarifies the rule and procedures.

(1) The chair shall issue a notice of hearing, if after the filing of a valid petition, the petitioner, the public employer, and all intervenors are unable to resolve the matter through an agreed-upon method of adjustment approved by the chair. The chair has the discretion to determine the time, place, and

means (physical appearance, telephonic, or electronic) of the hearing if the parties cannot mutually agree to the time, place, and means.

(11) Filing of Brief and Oral Argument at Hearing.

(B) At the discretion of the chair, the parties may be required to submit briefs within a reasonable time prior to the commencement of any hearing. The chair will determine a reasonable time by consulting both parties; however, the parties will receive a minimum of five (5) business days to prepare and file a required brief, unless all parties agree to a shorter amount of time. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the board who may fix a reasonable time for such filing.

AUTHORITY: section 295.070, RSMo 2016. This version of rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed March 1, 2022, effective Oct. 30, 2022. Amended: Filed Jan. 12, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 8 – DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40 – State Board of Mediation
Chapter 2 – General Rules

PROPOSED AMENDMENT

8 CSR 40-2.150 Notices of Election. The board proposes to amend section (3).

PURPOSE: This amendment clarifies the rule and procedures.

(3) The public employer shall furnish in an electronic format to the board and to the labor organization(s) participating in an election an alphabetized list including the names, work addresses, employer-issued electronic mailing addresses (if applicable), and job titles of all eligible voters in the unit as determined by the board. Additional information, **including the employee's home address**, may be supplied upon the voluntary written consent of any employee. This list must be supplied to the board and to such labor organization(s) fourteen (14) working days prior to the election, excluding Saturdays, Sundays, and legal holidays. The list shall remain the property of the employer.

AUTHORITY: section 295.070, RSMo 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 12, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 9 – DEPARTMENT OF MENTAL HEALTH
Division 10 – Director, Department of Mental Health
Chapter 5 – General Program Procedures

PROPOSED AMENDMENT

9 CSR 10-5.230 Hearings Procedures. The department is amending sections (1)-(4), (7), (10), and (11).

PURPOSE: This amendment adds provisions for hearings-related documents to be submitted by email and revises representation rights in section (2), the time period for scheduling hearings in section (3), the statutory reference in section (7), and the process for conducting hearings in section (10).

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Requests for hearings shall be submitted in the following manner:

(A) All requests for hearings shall be made in writing by the appellant or [his/her] their attorney to the hearings administrator within twenty (20) calendar days from the date of the final determination letter as set out in 9 CSR 10-5.200(6)(D). The request may be hand-delivered or sent by mail, email, or facsimile.

1. A request for hearing filed by hand delivery or mail is considered received on the date received by the office of the hearings administrator. Mailed [R]requests shall be sent to [the] Office of Hearings Administrator, Department of Mental Health, 1706 East Elm St., PO Box 687, Jefferson City, MO 65102.

2. A request for hearing filed by email or facsimile is considered received at the time the office of the hearings administrator receives the request, provided that the original of the document is sent to the office of the hearings administrator and received within ten (10) calendar days of the email or fax. If a request arrives by email or fax after 5[:00] p.m., Central [Standard] Time, and before 12[:00] a.m., Central [Standard] Time, or on a Saturday, Sunday, or legal holiday, it is considered filed on the next working day. Requests filed by facsimile shall be sent to the office of hearings administrator's [designated line at (573) 751-8069.] designated line specified in the information provided to the appellant by the department. Requests filed by email shall be sent to the office of hearings administrator's designated email address included with the information provided to the appellant by the department.

A. The time controlling when a facsimile arrives at the office of the hearings administrator is the office of the hearings administrator's facsimile machine journal. The time con-

trolling when an email arrives at the office of the hearings administrator is the timestamp in the original message.

B. The person filing by email or facsimile bears the risk of loss in transmission, non-receipt, or illegibility. If the request for hearing is not received or is materially illegible, the request is not considered filed and is totally null and void for all purposes[.]; and

[C. A party filing a request for hearing by facsimile shall notify the office of the hearings administrator in advance, if possible, of its intention to file the request by fax; and]

(B) The request for a hearing shall set out the appellant's name, current address, [and] telephone number, and email address and that of [his or her] their attorney, if applicable; the decision being appealed, the date of the decision, and the name of the person making the decision and a brief statement of the appellant's reason for appealing the decision.

(2) Appellants may represent themselves and handle their own cases, but shall have the right to [be represented by a Missouri licensed attorney] retain representation by a Missouri-licensed attorney. A party to an appeal cannot be represented by anyone other than a duly licensed attorney, with the exception of representation by an advocate, parent, or legal guardian as provided in 9 CSR 45-2.020 or internal Department Operating Regulation 4.470 (effective/published June 22, 2022), Department Operating Regulation 4.533 (effective/published June 22, 2022), or Department Operating Regulation 4.563 (effective/published June 23, 2021), hereby incorporated by reference and made a part of this rule, published by and available from the Department of Mental Health, 1706 E. Elm St., Jefferson City, MO 65101, (573) 751-4122. This rule does not incorporate any subsequent amendments or changes to these regulations. If either party is represented by an attorney, the attorney shall promptly notify the office of hearings administrator and enter [his/her] their appearance.

(3) When a hearing has been requested, the hearings administrator shall schedule the hearing within [ninety (90) calendar days of] the time period required by regulations after receiving the request for hearing, but may delay the hearing for good cause shown.

(4) The hearings administrator may schedule a pre-hearing conference with the parties. The hearings administrator may meet (in person, via telephone, or video conference) with the parties and their representatives at a pre-hearing conference to determine the facts at issue. At the pre-hearing conference, the parties may stipulate to mutually agreed matters or the appeal may be resolved by agreement of the parties. All parties are required to provide the hearings administrator with a current address [and], telephone number, and email address. If the appellant fails to provide the hearings administrator with a current address [or], phone number, or email address and cannot be reached to schedule a pre-hearing conference or fails to participate in a prehearing conference after receiving written notice of the date and time of the conference, it shall be deemed that the appellant no longer wishes to proceed with the appeal and is withdrawing the appeal.

(7) Requests for subpoena shall be governed by the following requirements:

(B) A request for a subpoena duces tecum shall be made in writing and specify the name of the person, the address(es) where the person can be served with the subpoena, the documents the person is to provide, a statement of what is intended to be proved by the documents, where [he or she] they should bring the documents, and a date when the documents are to

be provided;

(C) All subpoena requests shall be sent by [*regular mail or fax*] **mail, fax, or email** to the hearings administrator and opposing party at least five (5) working days before the hearing or deposition, unless there is good cause to shorten the period to request the subpoena;

(E) If no objection is sustained to a subpoena request, the hearings administrator shall prepare the subpoena and send the subpoena to the party who requested it. It is the responsibility of the person who requested the subpoena to have it served. Service of the subpoena is to be effected in accordance with section 53[7]6.077, RSMo; and

(10) The hearing shall be conducted according to the following procedures:

(A) The hearing shall be conducted [*at the facility where the decision was made, unless the hearings administrator finds good cause to hold the hearing in another place,*] by video conferencing unless the appellant files a written request for an in-person hearing. All in-person hearings will be conducted at the facility where the decision was made, unless the hearings administrator finds good cause to hold the hearing in another place;

(B) If the appellant or [*his/her*] **their** attorney does not appear at the hearing and does not call the facility or the hearings administrator to provide notification of an exigent circumstance requiring a continuance within thirty (30) minutes of the time set out in the notice, it shall be deemed that the appellant no longer wishes to proceed with the appeal and is withdrawing the appeal;

(D) Both parties shall be given the opportunity to present opening statements. The department shall present its witnesses and exhibits first, then the appellant shall present [*his or her*] **their** witnesses and exhibits. The department shall have the burden of proof by a preponderance of the evidence. Both parties shall be given the opportunity to present closing statements;

(F) The hearings administrator, at the request of either party or on [*his/her*] **their** own motion, may order the witnesses to be separated so as to preclude any witness, other than the parties, from hearing the testimony of other witnesses. When requested by the appellant, only one (1) person in addition to counsel may remain in the room to represent the department;

[G] A witness may testify by telephone or videoconference upon request from either party. The appellant or his/her attorney if represented or the attorney representing the department should submit a written request, with a copy to the other party, for the approval of the hearings administrator for a witness to testify by telephone or videoconference at least five (5) working days before the hearing, unless there is good cause to shorten the period. Objections to a witness testifying by telephone or videoconference should be submitted to the hearings administrator at least two (2) working days prior to the hearing, unless there is good cause to shorten the period.]

[H] (G) The formal rules of evidence shall not apply at these hearings. Parties may introduce any relevant evidence at the discretion of the hearings administrator;

[I] (H) In all cases of allegations of abuse, neglect, or misuse of funds/property, the attorney representing the department shall offer the investigative report into evidence at the administrative hearing. In accordance with section 630.167.3(1), RSMo, the investigative report shall be admitted into evidence;

[J] (I) The hearings administrator may exclude evidence that is purely cumulative;

[K] (J) The hearings administrator may take administrative notice of department rules, department operating regulations, and facility policies without the necessity of an offer into evidence; and

*[L] (K) The hearing shall be recorded. After the hearings administrator issues [*his or her*] **their** decision, a copy of the recording shall be made available to either party upon request. The department will not transcribe the recording from aural to written form. The cost of a transcription shall be borne by the requesting party.*

(11) All requests shall be in writing and directed to the attention of the hearings administrator and copied to the other party. This includes such matters as requests for continuances, documents, recordings, remote witness testimony, subpoenas, protective orders, and copies of decision. Requests may be [*sent*] **mailed** to the office of the hearings administrator at 1706 East Elm St., PO Box 687, Jefferson City, MO 65102 or faxed [*to (573) 751-8069*] or emailed as specified in the information provided to the appellant by the department.

AUTHORITY: section[s] 630.050, RSMo 2016, and section 630.167, RSMo Supp. [2008] 2022. Original rule filed Dec. 1, 2008, effective May 30, 2009. Amended: Filed Jan. 11, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Mental Health, Denise Thomas, PO Box 687, Jefferson City, MO 65102 or by email to denise.thomas@dmh.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 12 – DEPARTMENT OF REVENUE

Division 10 – Director of Revenue

Chapter 113 – Sales/Use Tax – Use Tax

PROPOSED AMENDMENT

12 CSR 10-113.200 Determining Whether a Transaction *[is]* Subject to Sales Tax or Use Tax. The director is amending sections (2) and (4).

PURPOSE: This amendment provides guidance for Marketplace Facilitators as imposed by section 536.025, RSMo.

(2) Definition of Terms.

(A) Nexus – contact with the state [*sufficient under the United States Constitution to allow the state to exercise its power to tax*].

(4) Examples.

(I) An out-of-state vendor markets tangible personal property to Missouri residents via online and televised advertisements. The vendor does not own the items it markets. Instead, the vendor contracts with a third-party supplier to maintain and ship items purchased from its online and televised advertisements. A Missouri resident purchases a marketed item. Vendor instructs the third-party supplier to ship the purchased item to the Missouri resident. The third-party supplier ships the item via common carrier to the Missouri resident. Title transfers from the third-party supplier to vendor in Missouri at the Missouri resident's home. Title then transfers from the vendor to the Missouri resident. The vendor must collect

and remit sales tax.

AUTHORITY: sections 144.270 and 144.705, RSMo [2000] 2016. Original rule filed Jan. 10, 2002, effective July 30, 2002. Amended: Filed Jan. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 113 – Sales/Use Tax – Use Tax

PROPOSED RULE

12 CSR 10-113.400 Marketplace Facilitator

PURPOSE: Chapter 144, RSMo, contains the statutory provisions governing application of use tax. This rule explains who qualifies as a marketplace facilitator and how a seller should report their use tax transactions.

(1) In general, a marketplace facilitator must collect and remit use tax on behalf of sellers that utilize the marketplace facilitator's service or services to list tangible personal property or services for sale regardless of the forum. A marketplace facilitator who also has their own tangible personal property or services for retail sale must remit tax for those sales separately.

(2) Definition of Terms.

(A) Nexus – contact with the state.

(B) Economic Nexus – selling tangible personal property for delivery into this state, provided the seller's gross receipts from taxable sales from delivery of tangible personal property into this state in the previous calendar year or current calendar year exceeds one hundred thousand dollars (\$100,000).

(C) Marketplace Facilitator – a person that facilitates a retail sale by a marketplace seller by listing or advertising for sale by the marketplace seller, in any forum, tangible personal property or services that are subject to tax under Chapter 144, RSMo, and either directly or indirectly through agreements or arrangements with third parties collects payment from the purchaser and transmits all or part of the payment to the marketplace seller.

(D) Marketplace Seller – a seller that makes sales through any electronic marketplace operated by a marketplace facilitator.

(3) Basic Application of Taxes.

(A) A marketplace facilitator that facilitates a retail sale of tangible personal property or taxable services that are delivered into the state for a marketplace seller should collect and remit use tax on behalf of the marketplace seller.

(B) A marketplace seller should not report any sales made through a marketplace facilitator where the marketplace facilitator reported and remitted the tax. A marketplace seller

must keep records of all sales made through a marketplace facilitator.

(C) If a marketplace facilitator has a physical presence in the state then it should continue to remit sales tax on those sales even if it is also remitting use tax on behalf of marketplace sellers.

(D) A marketplace facilitator is engaging in business in this state if the sales it facilitates and its own sales combined are more than one hundred thousand dollars (\$100,000) annually.

(4) Examples.

(A) A seller sells its own tangible personal property or services in the state and also sells tangible personal property or services for other sellers. The seller has sales of sixty thousand dollars (\$60,000) and facilitates sales of seventy thousand dollars (\$70,000). Because the total sales are in excess of one hundred thousand dollars (\$100,000), the seller is a marketplace facilitator and should collect and remit on behalf of the other sellers.

(B) A seller sells its own tangible personal property or services in the state and also sells tangible personal property or services for other sellers. The seller has sales of forty thousand dollars (\$40,000) and facilitates sales of thirty thousand dollars (\$30,000). Because the total sales are less than one hundred thousand dollars (\$100,000), the seller does not have economic nexus and should not collect and remit on behalf of the other sellers.

(C) A marketplace facilitator has a physical presence in the state and makes its own sales of tangible personal property or services. It should collect and remit sales tax on its own sales. It should collect and remit use tax on the sales it facilitates for other sellers.

(D) A seller has no physical presence in the state and sells less than one hundred thousand dollars (\$100,000) of its own tangible personal property through its website to addresses in the state of Missouri. The seller does not facilitate sales for others. The seller is not a marketplace facilitator or marketplace seller.

AUTHORITY: sections 144.270 and 144.705, RSMo 2016. Original rule filed Jan. 10, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children’s Division
Chapter 71 – Rules for Residential Treatment
Agencies for Children and Youth

PROPOSED RULE

13 CSR 35-71.095 Exceptions for Transitional Living Services Programs

PURPOSE: The purpose of this rule is to set forth exceptions to the rules for residential treatment agencies with respect to transitional living services provided to the division through written agreement. Youth who receive such services require more independent types of living arrangements than those otherwise provided by residential treatment agencies in order to make the transition from alternative care to self-sufficiency.

(1) This regulation only applies to agencies providing transitional living services to the division pursuant to a written transitional living services contract.

(2) Staffing Ratios. Notwithstanding any other provisions in this chapter, agencies shall not be required to have two (2) on-site staff available at all times in the provision of transitional living services, provided that such agencies adhere to the staff ratios set forth in this chapter. In the event there is only one (1) on-site staff member, however, one (1) additional staff member must be on call who can promptly respond to emergencies.

(3) Treatment Plan. Notwithstanding any other provisions in this chapter, agencies shall have thirty (30) days to develop and document a written treatment plan for each child admitted to their transitional living program.

(4) Recreational and Activity Programs/Leisure Time. Agencies shall be exempt from the requirements set forth in 13 CSR 35-71.070(2)(I) but shall facilitate any recreational activities prescribed in a youth's individual treatment plan.

(5) Allowances and Earnings Records. Notwithstanding any other provisions in this chapter, agencies shall not be required to provide an allowance to youth receiving transitional living services or to maintain a record of such youths' earnings or disbursements.

(6) Hazardous Materials. Notwithstanding any other provisions in this chapter, hazardous materials that are needed to implement a youth's treatment plan are not required to be locked up and kept inaccessible to the youth. Examples of such hazardous materials include but are not limited to personal care items, laundry soap, other cleaning products, and over-the-counter medications. The lawful, authorized use of such materials by a child in a transitional living services program shall not require the agency's approval if permitted by the child's treatment plan.

AUTHORITY: section 210.506, RSMo 2016. Original rule filed Jan. 9, 2023.

PUBLIC COST: The proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 10 – Office of the Director
Chapter 10 – Vital Records

PROPOSED AMENDMENT

19 CSR 10-10.020 Vital Records Issuance. The department is amending the title, purpose, and sections (1) – (3).

PURPOSE: This amendment changes which local registrars are authorized to issue certifications of birth and death records in this state and updates requirements for issuances of certifications.

PURPOSE: This rule authorizes local registrars [of St. Louis, Kansas City and St. Louis County] to [certify and] issue [copies] certifications of birth[,] and death [and fetal death] records of events occurring [within their jurisdictions] in the state of Missouri.

(1) Who May [Certify. The local registrars for St. Louis City, Kansas City and St. Louis County may certify copies of the duplicate birth, death and stillbirth certificates held by them.] Issue. Computer-generated certifications of birth and death records may be issued by the local registrar once the record has been registered with the Bureau of Vital Records. Permission to [certify] issue certifications grants validity and legality to the [certified copy only as far as the local ordinances permit and then only] certifications when not in conflict with the laws of this state. [No local registrar, other than those described in this section, may certify in any manner, except to the state registrar to a record that s/he holds.]

(2) Confidentiality. The state registrar and [those] local registrars [identified in section (1) of this rule] shall request the signature [and], relationship to the person named on the record, the reason for the record of each applicant for a birth [certificate when information identifying parentage is desired, whether for certified copies or for inspection of the record] or death certification, and shall require identification of the applicant or when a copy is requested by mail, a notarized statement shall be required. If the applicant is [a minor] under the age of eighteen (18) years old, the signature of a parent or legal guardian shall be substituted. An exception to this rule shall be made when a governmental agency is obtaining information for protection of the public interest. The signature [and], title of the agent, name of agency, and employee identification shall be [considered sufficient] required.

(3) Responsibility of Applicant. The burden of proper and adequate identification of a record in the files of the Bureau of Vital Records shall rest upon the applicant for the record. In a contested case[s], the burden of proof[, that requests for an inspection of a record or a certified copy of a record lies within the meaning of the Uniform Vital Statistics Act,] that an individual is authorized under Chapter 193, RSMo, to obtain a copy of all or any part of a vital record shall rest upon the applicant for the record. The state registrar or [those identified in section (1) of this rule] local registrars at all times may request additional information to support the demand of an applicant whose request for a copy [or an inspection] appears not to be in accordance with the law.

AUTHORITY: section 193.035, RSMo [Supp. 1998] 2016. This rule was previously filed as 13 CSR 50-150.020 and 19 CSR 30-10.020. Original rule filed March 6, 1951, effective March 16, 1951. Changed to 19 CSR 10-10.020 July 30, 1998. Amended: Filed March 12, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 11, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed amendment with the Missouri Department of Health and Senior Services, Bureau of Vital Records, Dylan Bryant, State Registrar, PO Box 570, Jefferson City, MO 65102, or via email at Dylan.Bryant@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2115 – State Committee of Dietitians
Chapter 2 – Licensure Requirements

PROPOSED AMENDMENT

20 CSR 2115-2.040 License Renewal. The committee is amending subsection (1)(A).

PURPOSE: This amendment changes the license expiration date.

(1) All licenses shall be renewed biennially.

(A) All licenses shall be renewed in even-numbered years and shall expire on [April 1] March 31 of each even-numbered year.

AUTHORITY: sections 324.212 and 324.228, RSMo 2016. This rule originally filed as 4 CSR 115-2.040. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.040, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2011, effective May 30, 2012. Amended: Filed May 11, 2018, effective Nov. 30, 2018. Amended: Filed Jan. 11, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Dietitians, PO Box 1335, Jefferson City, MO 65102-1335, via facsimile at (573) 526-3856, or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220 – State Board of Pharmacy
Chapter 2 – General Rules

PROPOSED AMENDMENT

20 CSR 2220-2.175 Well-Being Program. The board is deleting sections (3), (5), and (7), adding new sections (4), (6), and (7), renumbering as necessary, and amending sections (1), (2), (3), (5), and (8).

PURPOSE: This amendment updates requirements for the Well-Being Committee providers and Well-Being Committee participants.

(1) Definitions.

(A) Board – State Board of Pharmacy.

(B) Committee administrator—The person who is hired by the contractor or the committee to oversee and manage the Well-Being Program.

(C) Contractor—An entity with whom the board contracts for the purpose of creating, supporting, and maintaining the Well-Being Program.]

(D) Impairment—An illness, substance abuse, or physical or mental condition suffered by a licensee that is reasonably related to the ability to practice pharmacy.

(E) Licensee—Pharmacist, intern pharmacist, or technician licensed or registered in the state of Missouri or who has applied for licensure or registration in the state of Missouri.

(F) Well-Being Committee—The committee established pursuant to section 338.380, RSMo, [for the purpose of promoting the early identification, intervention, treatment, and rehabilitation of pharmacists, intern pharmacists, and technicians who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition] authorized to create, operate, and maintain the Well-Being Program.

(G) Well-Being Program—[The activities and functions of the Well-Being Committee] The program operated by the Well-Being Committee for purposes of early identification, intervention, treatment, and rehabilitation of pharmacists, intern pharmacists, and pharmacy technicians who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition.

(2) The board may contract with a contractor for purposes of creating, supporting, and maintaining] and operating the Well-Being Program. [The Well-Being Committee may assist the board in the identification, selection, and evaluation of the contractor, as requested by the board.] Operational costs of the Well-Being Program may be paid by the board, subject to available funding. All costs of drug screens and professional and administrative services provided to a [licensee] participant shall be paid by the [licensee] participant, unless otherwise provided by the board.

(3) Membership and Organization.

(A) The Well-Being Committee (hereinafter committee) shall be composed of the committee administrator and three (3) appointed members as follows:

1. One (1) member designated by the Missouri Pharmacy Association;

2. One (1) member designated by the Missouri Society of Health-System Pharmacists; and

3. One (1) member designated by the State Board of Pharmacy.

(B) The appointed committee members shall serve staggered three (3)-year terms and may serve as many terms as their respective organizations deem appropriate. The entity designating a member to the committee shall designate a person to finish the three (3)-year term of any member of the committee who becomes unable to serve.

(C) The committee shall annually elect a chairperson.

(D) The committee shall meet at least two (2) times annually.

(E) The appointed committee members shall serve without compensation other than that allowed by law for service as a board member. Each appointed committee member shall be entitled to reimbursement for travel expenses as deemed appropriate by the board.

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(F) The committee administrator shall be a nonvoting member of the committee.]

[4)](3) [An impaired licensee] A participant may enter the Well-Being Program voluntarily or by referral of the board pursuant to a settlement agreement or other disciplinary order. [Licensees] Participants entering the Well-Being Program voluntarily shall be subject to and [shall] comply with all requirements of this rule. Each participant shall be financially responsible for all drug screens and any other professional or administrative service rendered on behalf of the participant.

(5) Well-Being Committee Duties.

(A) The committee shall oversee all aspects of the general operation of the contractor including, but not limited to, oversight of the administration, staffing, financial operations, and case management of the Well-Being Program.

(B) The committee shall assist the board in monitoring the impaired licensee's compliance with the terms of any disciplinary order/agreement.

(C) The committee shall provide the board access to all information and documents pertaining to impaired licensees referred to the Well-Being Program by the board.

(D) The committee shall enter into written contracts with each impaired licensee. The contract between the committee and the impaired licensee shall be a minimum of five (5) years in duration, or the time designated by the board. The contract between the committee and impaired licensee shall include, but shall not be limited to, the following conditions/requirements:

1. Each impaired licensee shall comply with all terms, conditions, or treatment identified, required, or recommended by the contractor or the board for the treatment, evaluation, monitoring, or assessment of the impaired licensee;

2. Each impaired licensee shall abstain from the possession or consumption of legend medication, except as prescribed by a treating prescriber;

3. Each impaired licensee shall abstain from illegal possession of alcohol, the consumption of alcohol, and the possession or consumption of illegal drugs;

4. Each impaired licensee shall submit to random drug testing unless otherwise specified by the board, committee, or contractor;

5. Each impaired licensee shall report to the committee or the contractor all relapses or other breaches of the contractual terms;

6. Each impaired licensee shall report to or meet with the board, committee, contractor, or the contractor's appointed designee as may be requested by the board, committee, or contractor;

7. Each impaired licensee shall attend support meetings as requested by the committee, contractor, or treatment providers;

8. Each impaired licensee referred to the Well-Being Program by the board shall authorize the committee to release any and all information regarding the impaired licensee to the board;

9. Each impaired licensee voluntarily enrolled in the Well-Being Program shall authorize the committee to release any and all information regarding the impaired licensee to the board upon a violation of any state or federal drug law or if the licensee breaches or fails to comply with any terms of a Well-Being contract; and

10. Each impaired licensee shall be financially responsible for all drug screens and any other professional or administrative service rendered on behalf of the impaired licensee.

(E) The committee shall provide to the board in writing:

1. An annual action plan and budget to be approved by the board. The committee shall report on progress with regard

to preparing and implementing the action plan and budget as requested by the board or committee;

2. Progress reports with regard to each licensee participating in or being assisted by the Well-Being Program. The identity of licensees who voluntarily submit to the Well-Being Program shall remain anonymous to the board for purposes of these reports, except as otherwise provided by this rule. Progress reports shall be provided to the board at board meetings or upon request of the board;

3. Except as otherwise provided by this rule for voluntary participants, any and all information or documentation with regard to the identification, intervention, treatment, and rehabilitation of any licensee who participates in, or is assisted by, the Well-Being Program;

4. Quarterly income and expense reports. These reports must be itemized and account for all income from any and every source and each expense to any and every vendor that relates to the Well-Being Program in any way; and

5. Any other report or information requested by the board, except as otherwise provided by this rule for voluntary participants.

(F) In addition to the other requirements of this rule, the committee shall also report, in writing, to the board:

1. All licensee violations of board disciplinary orders/agreements, board statutes or regulations, or other state or federal drug laws which occur after the date of the disciplinary order/agreement or the date the licensee entered the Well-Being Program, whichever occurs first;

2. Any licensee who fails to enter treatment within forty-eight (48) hours following the provider's determination that the licensee needs treatment;

3. Any licensee who does not comply with the terms of a Well-Being Program contract or who resumes the practice of pharmacy before the treatment provider has made a clear determination that the licensee is capable of practicing; and

4. Any breach of contract by the Well-Being Committee or the committee administrator.

(G) The identity of licensees who voluntarily submit to the Well-Being Program shall remain anonymous to the board, provided that upon receipt of a Notice of Non-compliance from the contractor, the committee shall promptly file a complaint with the board against the licensee identified in the notice. The complaint required by this subsection shall include the impaired licensee's name, license number, and the factual basis for the alleged contractual breach/non-compliance. Upon the filing of a complaint, the committee shall require the committee administrator to supply to the board any information or documentation with regard to the licensee's identification, intervention, treatment, compliance, and rehabilitation, as requested by the board or their designated representative.

(H) The committee shall require the costs of drug screens and professional and administrative services to be paid by the impaired licensee.]

(4) Well-Being Committee Duties.

(A) The committee shall oversee all aspects of the Well-Being Program including, but not limited to, program administration, staffing, financial operations, and case management. The committee shall provide services as needed to carry out the functions of section 338.380, RSMO, including, but not limited to:

1. Referring participants for appropriate assessment or evaluation and ensuring that treatment recommendations based on the assessment are followed as deemed appropriate by the board or committee;

2. Assisting the participant in obtaining evaluation and treatment;

3. Monitoring participant compliance with the

contract between the committee and participant;

4. Monitoring the participant's compliance with the terms of any board disciplinary order/agreement;

5. Monitoring treatment progress and re-entry contractual compliance;

6. Managing/monitoring random drug screens;

7. Assisting participants to re-enter practice from treatment;

8. Assisting with aftercare issues or recommendations;

9. Program development;

10. Outreach education, as requested by the board by contract;

11. Managing, ensuring, and monitoring random and scheduled drug screens; and

12. Other necessary services as agreed by the board and committee.

(B) The committee shall enter into written contracts with each participant. Unless otherwise approved by the board, the contract between the committee and the participant shall be a minimum of five (5) years or the time designated by the board, and shall include, but shall not be limited to, the following conditions/requirements:

1. Each participant shall comply with all terms, conditions, or treatment identified, required, or recommended by the committee or the board for the treatment, evaluation, monitoring, or assessment of the participant;

2. Each participant shall abstain from the possession or consumption of legend medication, except as prescribed by a treating prescriber or approved by the committee;

3. Each participant shall abstain from possession and the consumption of alcohol, and the possession or consumption of illegal drugs;

4. Each participant shall submit to random drug testing unless otherwise specified by the board or committee;

5. Each participant shall enter treatment within forty-eight (48) hours following the committee's or an approved evaluator's determination that the participant needs treatment, unless otherwise approved by the board or committee;

6. Each participant shall report to the committee all relapses or other breaches of the contractual terms;

7. Each participant shall report to or meet with the board or committee, or a board or committee appointed designee, as may be requested by the board/committee;

8. Each participant shall attend support meetings as requested by the committee or treatment providers;

9. Each participant referred to the Well-Being Program by the board shall authorize the committee to release any and all information regarding the participant to the board;

10. Each participant voluntarily enrolled in the Well-Being Program shall authorize the committee to release any and all information or documents regarding the participant to the board upon a violation of any state or federal drug law or if the participant breaches or fails to comply with any terms of a Well-Being contract; and

11. Each participant shall be financially responsible for all drug screens and any other professional or administrative service rendered on behalf of the participant.

[(6)](5) Committee Administrator Duties.

(A) The Well-Being Committee shall appoint and designate a committee administrator for approval by the board. The committee administrator shall oversee and manage the daily operations of the committee and assist with [the] committee administrative duties [*of the committee*].

(B) The committee administrator shall possess a

combination of education and experience in the area of addiction counseling and be currently licensed in Missouri as a psychologist, psychiatrist, professional counselor, or clinical social worker. Upon request of the committee, the board may waive the licensure requirements of this subsection for qualified applicants that otherwise possess an equivalent combination of education and experience, as required by this rule.

(C) The committee administrator shall also be familiar with licensees suffering from impairment issues which include, but shall not be limited to, the following:

1. Dependency;

2. Alcohol addiction;

3. Drug addiction;

4. Other addictive diseases;

5. Physical issues; and

6. Mental health issues.

[(D) Upon referral, the duties of the committee administrator shall also include, but are not limited to, assisting the committee with the following:

1. Organizing and carrying out interventions;

2. Referring licensees for appropriate assessment or evaluation and seeing that treatment recommendations based on the assessment are followed;

3. Monitoring treatment progress and re-entry contractual compliance;

4. Managing/monitoring random drug screens;

5. Assisting licensees to re-enter practice from treatment;

6. Assisting with aftercare issues;

7. Any and all reporting to appropriate agencies, as requested by the board or the committee;

8. Program development;

9. Outreach education, as requested by the committee; and

10. Other necessary services as determined by the committee.

(E) Upon request by the committee, the committee administrator shall supply to the committee in writing:

1. Any information or documentation regarding the operation of the Well-Being Program;

2. All information or documentation with regard to the identification, intervention, treatment, and rehabilitation of any licensee that is participating in or being assisted by the Well-Being Program or who has participated in or been assisted by the Well-Being Program;

3. Progress reports to the committee with regard to each licensee participating in the Well-Being Program; and

4. Any reports provided to the board.

(F) Upon request, the committee administrator shall supply to the board in writing:

1. Any information requested by the board regarding the Well-Being Program or any licensee participating in or being assisted by the Well-Being Program, except as otherwise provided herein for voluntary participants; and

2. Any information or documentation with regard to the identification, intervention, treatment, rehabilitation, and compliance of any voluntary participant who breaches or fails to comply with the terms of any Well-Being Program contract or violates any state or federal law.

(7) Contractor Duties.

(A) Upon referral, the contractor shall be responsible for requiring evaluators to provide written reports which address whether a participant of the Well-Being Program suffers from an impairment, identifies the impairment, provides recommendations for treatment of the impairment, and whether the participant's practice of pharmacy should be restricted due to the impairment; and

(B) The contractor shall provide services when appropriate

to impaired licensees which include, but are not limited to, the following:

1. Monitoring compliance of the contract between the committee and the impaired licensee;
2. Assisting the impaired licensee in obtaining evaluation and treatment;
3. Ensuring that treatment recommendations based on the assessment of the licensee are followed;
4. Monitoring treatment progress and re-entry contractual compliance;
5. Managing/monitoring random drug screens;
6. Assisting licensees to re-enter practice from treatment;
7. Assisting with aftercare issues;
8. Any and all reporting to appropriate agencies, as requested by the board or the committee;
9. Program development;
10. Outreach education, as requested by the committee;
11. Managing, ensuring, and monitoring random and scheduled drug screens; and
12. Other necessary services as determined by the committee.

(C) The contractor shall assist the board in monitoring the impaired licensee's compliance with the terms of any disciplinary order/agreement.

(D) The contractor shall obtain a written release from all licensees referred to the Well-Being Program that authorizes the contractor to release to the board, the committee, or the committee administrator all information and documents pertaining to a licensee referred by the board.]

(E) Voluntary Participants.

1. Except as otherwise provided in this subsection, the identity of licensees who voluntarily submit to the Well-Being Program shall remain anonymous to the board.

2. The contractor shall file with the committee a Notice of Non-Compliance against any voluntary participant who breaches or fails to comply with the terms of any Well-Being Program contract or who violates any state or federal drug law. If a complaint is filed by the committee against the licensee, the contractor shall require the committee administrator to supply to the board any information or documentation with regard to the licensee's identification, intervention, treatment, compliance, and rehabilitation, as requested by the board.

3. The contractor shall obtain a written release from all licensees who voluntarily enter the Well-Being Program that authorizes the contractor to release any and all information or documents pertaining to the licensee to the board or the committee in the event the licensee breaches or fails to comply with the terms of any Well-Being Program contract or violates any state or federal drug law.

(F) General Reporting.

1. The contractor shall provide to the committee in writing:
A. An annual action plan and budget to be approved by the board. The contractor shall report on progress with regard to preparing and implementing the action plan and budget as requested by the board or committee;

B. Quarterly income and expense reports for the Well-Being Program and any other financial report requested by the board or the committee;

C. Progress reports with regard to each licensee participating in or being assisted by the Well-Being Program;

D. Any reports provided to the board;

E. Any and all information or documentation with regard to the identification, intervention, treatment, and rehabilitation of any licensee who participates in, or is assisted by, the Well-Being Program;

F. Any other report or information requested by the committee; and

G. The information and documentation required by this

subsection shall only be released to the board pursuant to Chapter 338, RSMo, and the rules promulgated thereto.

2. The contractor shall provide to the board in writing:

A. An annual action plan and budget as directed by the board. The contractor shall report on progress with regard to preparing and implementing the action plan and budget as requested by the board or committee;

B. Progress reports with regard to each licensee participating in or being assisted by the Well-Being Program, provided the identity of licensees who voluntarily submit to the Well-Being Program shall remain anonymous to the board for purposes of these reports, except as otherwise provided by this rule; and

C. Any other report or information requested by the board, except as otherwise provided by this rule for voluntary participants.

(G) **Violation Reporting.** In addition to the other requirements of this rule, the contractor shall report, in writing, to the committee:

1. All licensee violations of a board disciplinary order/agreement, any provision of Chapter 338, RSMo, or the board regulations, or any state or federal drug law, which occurs after the date of the disciplinary order/agreement or the date the licensee entered the Well-Being Program, whichever occurs first;

2. Any licensee who fails to enter treatment within forty-eight (48) hours following the provider's determination that the licensee needs treatment; and

3. Any licensee who does not comply with the terms of a Well-Being Program contract or who resumes the practice of pharmacy before the treatment provider has made a clear determination that the licensee is capable of practicing.

(H) The contractor shall require the costs of drug screens and professional and administrative services to be paid by the impaired licensee.]

(6) Voluntary Participants.

(A) Except as otherwise provided in this subsection, the identity of participants who voluntarily submit to the Well-Being Program shall remain anonymous to the board.

(B) The contractor shall file a Notice of Non-Compliance with the board against any voluntary participant who breaches or fails to comply with the terms of any Well-Being Program contract or who violates any state or federal drug law. The Notice of Non-Compliance must include the participant's name, license number, and the factual basis for the alleged contractual breach/non-compliance. The committee shall also supply to the board any information or documentation that supports or evidences the alleged non-compliance.

(7) Reporting.

(A) The committee shall provide to the board in writing –

1. An annual action plan and budget as directed by the board. The committee shall report on progress with regard to preparing and implementing the action plan and budget as requested by the board;

2. Progress reports with regard to each participant in or being assisted by the Well-Being Program, provided the identity of participants who voluntarily submit to the Well-Being Program shall remain anonymous to the board for purposes of these reports, except as otherwise provided by this rule;

3. Participant treatment, evaluation, and rehabilitation records as requested by the board, except as otherwise provided by this rule;

4. Quarterly income and expense reports for the Well-Being Program or other financial report requested by the

board regarding the operation of the Well-Being Program; and

5. Any other report or information requested by the board, except as otherwise provided by this rule for voluntary participants.

(B) Violation reporting. In addition to the other requirements of this rule, the committee shall report to the board in writing –

1. All participant violations of a board disciplinary order/agreement, any provision of Chapter 338, RSMo, or the board regulations, or any state or federal drug law, which occurs after the date of the disciplinary order/agreement or the date the participant entered the Well-Being Program, whichever occurs first;

2. Any participant who fails to enter treatment within forty-eight (48) hours following the committee's or an evaluator's determination that the participant needs treatment;

3. Any participant who does not comply with the terms of a Well-Being Program contract or who resumes the practice of pharmacy before an approved treatment provider or committee has made a clear determination that the licensee is capable of practicing; and

4. Any breach of contract by the Well-Being Committee or committee administrator.

(8) Confidentiality.

(A) Except as otherwise provided by this rule, [T]he committee [and contractor] shall provide the board access to all information pertaining to each [impaired licensee] participant referred to the committee by the board.

(B) [In regards to participants referred by the board and the voluntary participants who have violated or breached their Well-Being Program contracts, t]The board and committee may exchange privileged and confidential information, interviews, reports, statements, memoranda, and other documents including information on investigations, findings, conclusions, interventions, treatment, rehabilitation, and other proceedings of the board and committee, and other information closed to the public, as needed to effectuate section 338.380, RSMo, or to promote the identification, intervention[s], treatment, rehabilitation, and discipline (accountability) of [licensees] participants who may be impaired.

AUTHORITY: section 338.140.1, RSMo [2000] Supp. 2022, and section 338.380, RSMo [Supp. 2009] 2016. Original rule filed Aug. 18, 2009, effective March 30, 2010. Amended: Filed Jan. 6, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted that has been changed from the text contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments that are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY Division 45 – Missouri Gaming Commission Chapter 9 – Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2022, the commission amends a rule as follows:

11 CSR 45-9.030 Minimum Internal Control Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2022 (47 MoReg 1436). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended November 2, 2022, and the commission held a public hearing on the proposed amendment on November 3, 2022. No one attended the public hearing, and no written comments were received.

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY Division 45 – Missouri Gaming Commission Chapter 9 – Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2022, the commission amends a rule as follows:

11 CSR 45-9.104 Minimum Internal Control Standards (MICS) – Chapter D is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2022 (47 MoReg 1436). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended November 2, 2022, and the commission held a public hearing on the proposed amendment on November 3, 2022. No one attended the public hearing, and no written comments were received.

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY Division 45 – Missouri Gaming Commission Chapter 9 – Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2022, the commission amends a rule as follows:

11 CSR 45-9.109 Minimum Internal Control Standards (MICS) – Chapter I is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2022 (47 MoReg 1437). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended November 2, 2022, and the commission held a public hearing on the proposed amendment on November 3, 2022. No one attended the public hearing, and no written comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES Division 40 – Family Support Division Chapter 37 – Early Periodic Screening, Diagnosis and Treatment

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Family Support Division, under section 207.020, RSMo 2016, the division rescinds a rule as follows:

13 CSR 40-37.010 Basis for Provision is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 3, 2022 (47 MoReg 1437). No changes have been made to the

proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 98 – Behavioral Health Services**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201 and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 70-98.030 Applied Behavior Analysis Services
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2022 (47 MoReg 1438-1442). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR
SERVICES
Division 20 – Division of Community and Public
Health
Chapter 60 – Maternal and Neonatal Care**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, and section 192.380, RSMo Supp. 2022, the department amends a rule as follows:

**19 CSR 20-60.010 Levels of Maternal and Neonatal Care
Designations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1521-1522). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR
SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 35 – Hospices**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 192.2000 and 197.270, RSMo

2016, the department amends a rule as follows:

19 CSR 30-35.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1538-1544). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received two (2) comments on the proposed amendment.

COMMENT #1: Katie Gamble, on behalf of the Missouri Academy of Physician Assistants, comments that physician assistants should be added to the definition of dietary counselor in paragraph (1)(A)9.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add physician assistants to the definition of dietary counselor.

COMMENT #2: Sarah Schappe, director for the Joint Committee on Administrative Rules, questions whether it is possible for a certified medication technician (“CMT”) to complete the training program, but not have the correct qualifications to work in a hospice related to the definition of CMT in paragraph (1)(A)4.

RESPONSE AND EXPLANATION OF CHANGE: CMTs must successfully complete the CMT program with the department in order to be current with the department as a CMT. Additionally, CMTs have to be current as a certified nursing assistant (“CNA”) in order to continue to be current as a CMT. The department agrees with this comment and has changed paragraph (1)(A)4. to reflect that a CMT has to successfully complete the department’s CMT program and remain current as a CNA in order to continue to be current as a CMT.

19 CSR 30-35.010 Hospice Program Operations

(1) General Provisions.

(A) Definitions Relating to Hospice Care Agencies.

1. Attending physician – a person who –
 - A. Is licensed as a doctor of medicine or osteopathy in Missouri or a bordering state; or
 - B. Is recognized by Missouri as a nurse practitioner and who complies with the requirements of Chapter 335, RSMo, 20 CSR 2200-4.200, and 42 CFR 410.75; or
 - C. Is licensed as a physician assistant (PA) in Missouri and who complies with the requirements in Chapter 334, RSMo, 20 CSR 2150-7.135, and 42 CFR 410.74(c); and
 - D. Is identified by the patient, at the time the patient elects to receive hospice care, as having the most significant role in the determination and delivery of the patient’s medical care.
2. Automated dispensing system – a mechanical system that performs functions that may include, but are not limited to, storing, packaging or dispensing medications, and that collects, controls and maintains all transaction information.
3. Branch/multiple location – a location from which a hospice provides services within a portion of the total geographic area served by the parent hospice and the area served by the branch/multiple location is contiguous to or part of the area served by the parent hospice.
4. Certified medication technician – a person who has successfully completed the certified medication technician training program and any examination component required in compliance with the standards in 19 CSR 30-84.020. The certified medication technician shall remain current as a certified

nursing assistant with the Department of Health and Senior Services in order to continue to be current as a certified medication technician.

5. Certified pharmacy technician – a person who is credentialed by a nationally recognized pharmacy technician credentialing authority.

6. Contracted provider – individuals or entities who furnish services to hospice patients under contractual arrangements between the hospice and the contracted provider.

7. Coordinating provider – any individual or agency which independently provides services to the patient in their place of residence.

8. Department – the Missouri Department of Health and Senior Services.

9. Dietary counselor – an individual who is a registered nurse, registered dietitian, nutritionist, physician assistant or physician.

10. Direct employee – an individual paid directly by the hospice.

11. Emergency medication supply – a limited number of prescription medications approved by the medical director and the pharmacist that may be administered to a patient in an emergency situation or for initial doses of a necessary medication when a pharmacist cannot provide medication services for a patient within a reasonable time based on the patient's clinical needs at the time.

12. Employee – an employee of the hospice or an individual under contract who is appropriately trained and assigned to the hospice program. Employee also refers to a person volunteering for the hospice program.

13. Family – broadly defined to include not only persons bound by biology or legalities but also those who function for the patient in a familial way.

14. Homemaker – a hospice aide, volunteer or other individual who assists the patient/family with light housekeeping chores.

15. Hospice – a public agency or private organization or subdivision of either that –

A. Is primarily engaged in providing care to dying persons and their families; and

B. Meets the standards specified in 19 CSR 30-35.010 and in 19 CSR 30-35.030. If it is a hospice that provides inpatient care directly in a hospice facility, it must also meet the standards of 19 CSR 30-35.020 and 19 CSR 30-35.030.

16. Hospice administrator – the employee designated by the governing body as responsible for the overall functioning of the hospice. Hospice administrators appointed by the governing body after July 1, 2023, shall have the following:

A. Be a licensed practical nurse, be a licensed registered nurse, or hold an undergraduate degree; and

B. Have at least one (1) year of administrative experience in a related healthcare field.

17. Hospice aide – a person who meets the training and skill requirements specified in the Medicare hospice program at 42 CFR 418.76 which is incorporated by reference as last amended on August 6, 2009, and published by the Office of the Federal Register, 732 N. Capitol Street NW, Washington, DC 20401 or can be found at <https://govinfo.gov>. This rule does not incorporate any subsequent amendments or additions.

18. Hospice patient – a person with a terminal illness or condition for whom the focus of care is on comfort and palliation rather than cure.

19. Legal representative – a person who because of the patient's mental or physical incapacity is legally authorized in accordance with state law to make health care decisions on behalf of the dying person.

20. Licensed practical nurse – a person licensed under Chapter 335, RSMo, to engage in the practice of practical nurs-

ing.

21. Meal preparation – meals planned, offered, or served to all patients from prepared menus.

22. Medical director – a person licensed in Missouri or a bordering state as a doctor of medicine or osteopathy who assumes overall responsibility for the medical component of the hospice's patient care program.

23. Nutritionist – a person who has graduated from an accredited four- (4-) year college with a bachelor's degree including or supplemented by at least fifteen (15) semester hours in food and nutrition including at least one (1) course in diet therapy.

24. Occupational therapist – a person who is licensed under Chapter 324, RSMo, as an occupational therapist and licensed to practice in Missouri.

25. Occupational therapy assistant – a person who has graduated from an occupational therapy assistant program accredited by the Accreditation Council for Occupational Therapy Education and licensed to practice in Missouri.

26. Pharmacist – a person licensed as a pharmacist under Chapter 338, RSMo.

27. Pharmacy technician – a person who is registered as a pharmacy technician under Chapter 338, RSMo.

28. Physical therapist – a person who is licensed as a physical therapist under Chapter 334, RSMo.

29. Physical therapy assistant – a person who has graduated from at least a two- (2-) year college level program accredited by the American Physical Therapy Association and licensed to practice in Missouri.

30. Registered nurse – a person licensed under Chapter 335, RSMo, to engage in the practice of professional nursing.

31. Registered nurse coordinator – a registered nurse, who is a direct employee, designated by the hospice to direct the overall provisions of clinical services.

32. Skilled nursing – those services which are required by law to be provided by a registered nurse or a licensed practical nurse.

33. Snack – a single meal or item prepared on demand which does not include food items that produce grease-laden vapors.

34. Social worker – a person who –

A. Has a Master of Social Work (MSW) degree from a school of social work accredited by the Council on Social Work Education and has one (1) year of social work experience in a health care setting; or

B. Has a baccalaureate degree in social work (BSW) from an institution accredited by the Council on Social Work Education; is supervised by an MSW as described in subparagraph (1) (A)34.A. of this rule and has one (1) year of social work experience in a health care setting; or

C. Has a baccalaureate degree from a school of social work accredited by the Council on Social Work Education and is employed by the hospice before December 2, 2008, and therefore is not required to be supervised by an MSW.

35. Speech language pathologist – a person who is licensed under Chapter 345, RSMo, as a speech language pathologist.

36. Spiritual counselor – a person who has education with emphasis in counseling or related subjects and has, within ninety (90) days of hire, completed specific training to include common spiritual issues in death and dying, belief systems of comparative religions related to death and dying, spiritual assessment skills, individualizing care to patient beliefs, and varied spiritual practices/rituals.

37. Standing order – An order by an authorized prescriber that can be implemented by other health care professionals when predetermined criteria are met as per 19 CSR 30-35.010(2) (E)3.–(2)(E)4.A., B., and C.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE**
Division 2063 – Behavior Analyst Advisory Board
Chapter 2 – Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Behavior Analyst Advisory Board under section 337.310, RSMo 2016, the board amends a rule as follows:

20 CSR 2063-2.005 Application for Licensure **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2022 (47 MoReg 1594). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE**
Division 2063 – Behavior Analyst Advisory Board
Chapter 2 – Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Behavior Analyst Advisory Board under section 337.310, RSMo 2016, the board amends a rule as follows:

**20 CSR 2063-2.010 Renewal of License, Inactive License, and
Reactivation of License **is amended.****

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2022 (47 MoReg 1594-1595). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE**
**Division 2145 – Missouri Board of Geologist
Registration**
Chapter 2 – Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Geologist Registration under section 256.462, RSMo Supp. 2022, the board rescinds a rule as follows:

20 CSR 2145-2.065 Temporary Courtesy License **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2022 (47 MoReg 1595). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE**

IN ADDITION

Section 538.210.8, RSMo, requires the Missouri Department of Commerce and Insurance to annually adjust the statutory cap on non-economic damages in medical malpractice cases at a constant rate of one and seven tenths percent (1.7%). The caps for 2023 are calculated below.

The new limit was established by the following calculation:

Cap for non-catastrophic injuries in 2022:	\$450,098
Cap for catastrophic injuries in 2022:	\$787,671

New caps for 2023:

Non-catastrophic injuries:	$(\$450,098 \times 1.017) = \$457,749$
Catastrophic injuries:	$(\$787,671 \times 1.017) = \$801,061$

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

"NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY"

TO ALL CREDITORS AND CLAIMANTS AGAINST HAMILTON FORD, L.L.C., a Missouri liability company (the "Company"):

You are hereby notified that dissolution of the Company was authorized by the member on December 15, 2022. All persons having claims against the Company must present their claims in writing and mail their claims to:

Mark Hamilton
P.O. Box 1108
Nixa, MO 65714

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) the name, address and telephone number of the claimant; (b) the amount claimed; (c) a description of the nature of the debt or the basis of the claim; (d) the date or dates the claim accrued; and (e) if the claim is founded on a writing, a copy of the writing."

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST
THUNDER MILE RANCH, LLC**

The name of the limited liability company is Thunder Mile Ranch, LLC.

The Articles of Organization for Thunder Mile Ranch, LLC were filed with the Missouri Secretary of State on September, 18. 2015.

On January 5, 2023, Thunder Mile Ranch, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.

Persons with claims against Thunder Mile Ranch, LLC should present them in accordance with the following procedure:

- (a) In order to file a claim with Thunder Mile Ranch, LLC, you must furnish the following:
 - (i) Amount of the claim
 - (ii) Basis for the claim
 - (iii) Documentation of the claim
- (b) The claim must be mailed to:
Joshua Schiff
1104 Barrington Lane
St. Charles, Missouri 63301

A claim against Thunder Mile Ranch, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF CORPORATION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST PRO LANDSCAPING, INC.**

On November 28, 2022, Pro Landscaping, Inc., a Missouri Corporation (hereinafter the "Corporation"), filed its Articles of Dissolution with the Missouri Secretary of State.

Any claims against the Corporation must be sent to Breahn R. Vokolek, 114 Westwoods Dr., Liberty, MO 64068. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

All claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF CORPORATION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST K-BRO, INC.**

On August 23, 2020, K-Bro, Inc., a Missouri Corporation (hereinafter the "Corporation"), filed its Articles of Dissolution with the Missouri Secretary of State.

Any claims against the Corporation must be sent to Breahn R. Vokolek, 114 Westwoods Dr., Liberty, MO 64068. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

All claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST
THUNDER MILE PHOTOGRAPHY, LLC**

The name of the limited liability company is Thunder Mile Photography, LLC.

The Articles of Organization for Thunder Mile Photography, LLC were filed with the Missouri Secretary of State on July 6, 2016.

On January 5, 2023, Thunder Mile Photography, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.

Persons with claims against Thunder Mile Photography, LLC should present them in accordance with the following procedure:

- (a) In order to file a claim with Thunder Mile Photography, LLC, you must furnish the following:
 - (i) Amount of the claim
 - (ii) Basis for the claim
 - (iii) Documentation of the claim
- (b) The claim must be mailed to:
Joshua Schiff
1104 Barrington Lane
St. Charles, Missouri 63301

A claim against Thunder Mile Photography, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST
THUNDER MILE CONSULTING, LLC**

The name of the limited liability company is Thunder Mile Consulting, LLC.

The Articles of Organization for Thunder Mile Consulting, LLC were filed with the Missouri Secretary of State on July 6, 2016.

On January 5, 2023, Thunder Mile Consulting, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.

Persons with claims against Thunder Mile Consulting, LLC should present them in accordance with the following procedure:

- (a) In order to file a claim with Thunder Mile Consulting, LLC, you must furnish the following:
 - (i) Amount of the claim
 - (ii) Basis for the claim
 - (iii) Documentation of the claim
- (b) The claim must be mailed to:
Joshua Schiff
1104 Barrington Lane
St. Charles, Missouri 63301

A claim against Thunder Mile Consulting, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS AND CLAIMANTS AGAINST
EEG PROPERTIES LLC**

On December 19, 2022, EEG Properties LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: **EEG Properties LLC, 124 E. Center St., Sikeston, Missouri 63801**. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; the basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS
AGAINST GUIDERIGHT ASSESSMENTS, LLC**

On January 6, 2023, GuideRight Assessments, LLC, a Missouri limited liability company ("Company"), filed its Articles of Termination with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit the claim to Jackson Benefield, 1636 Headland Drive, Fenton, Missouri 63026. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. **ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.**

**NOTICE OF DISSOLUTION OF CORPORATION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST SAM'S SURVEY CO., INC.**

On December 31, 2022, Sam's Survey Co., Inc., a Missouri Corporation (hereinafter the "Corporation"), filed its Articles of Dissolution with the Missouri Secretary of State.

Any claims against the Corporation must be sent to Breahn R. Vokolek, 114 Westwoods Dr., Liberty, MO 64068. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

All claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF WINDING UP
AND DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
TWAIN INVESTMENT FUND 103, LLC**

On December 22, 2022, Twain Investment Fund 103, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

Claims against Company must be submitted to Nebraska Early Childhood Collaborative, Attn: Eric Buchanan, 3200 North 30th Street, Suite 200, Omaha, NE 68111. Claims must include: name and address of claimant; amount of claim; basis of the claim; and documentation of claim.

By law, all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS
AGAINST TIFFANY CARE CENTERS HOLDING COMPANY**

Tiffany Care Centers Holding Company, a Missouri corporation (the "Company"), filed its Articles of Dissolution with the Missouri Secretary of State, effective on December 28, 2022. Any and all claims against the Company may be sent to Spenserv, Inc., 1000 Walnut Street, Suite 1400, Kansas City, Missouri, 64106. Each claim should include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim and documentation for the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF WINDING UP
AND DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
USBCDE SUB-CDE 133, LLC**

On December 22, 2022, USBCDE Sub-CDE 133, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

Claims against Company must be submitted to Nebraska Early Childhood Collaborative, Attn: Eric Buchanan, 3200 North 30th Street, Suite 200, Omaha, NE 68111. Claims must include: name and address of claimant; amount of claim; basis of the claim; and documentation of claim.

By law, all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF ENTITY DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS
KNOWN & UNKNOWN AGAINST
BILL'S CAMPER SALES, INC.**

Bill's Camper Sales, Inc., a Missouri corporation ("Company"), filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on December 13, 2022. In accordance with the filing of the Articles of Dissolution by Voluntary Action, and pursuant to the General and Business Corporation Law of Missouri, any and all claims against the Company should be sent by mail to Bill's Camper Sales, Inc., 6201 N. Belt Highway, Country Club Village, MO 64506. Each claim should include the following:

(1) a brief description of the nature and basis for your claim; (2) the date(s) when the events on which your claim is based arose; (3) the amount of your claim; (4) the name, address, telephone number and email address (if applicable) of the claimant; and (5) any documentation related to your claim.

Any and all claims against Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of the publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS
AND CLAIMANTS AGAINST ABACUS ONE, L.L.C.**

On January 11, 2023, Abacus One, L.L.C., a Missouri Limited Liability Company (hereinafter the “Company”), filed its Notice of Winding Up for the Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Kerry Bush, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant, the amount of claim, the date on which the claim arose, the basis for the claim and any/all documentation in support of the claim.

All claims against the Company will be barred, unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS
AND CLAIMANTS AGAINST BENTON STEPHENS APARTMENTS, L.L.C.**

On January 11, 2023, Benton Stephens Apartments, L.L.C., a Missouri Limited Liability Company (hereinafter the “Company”), filed its Notice of Winding Up for the Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Kerry Bush, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant, the amount of claim, the date on which the claim arose, the basis for the claim and any/all documentation in support of the claim.

All claims against the Company will be barred, unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS
AND CLAIMANTS AGAINST GRANT’S TRAIL APARTMENTS, L.L.C.**

On January 11, 2023, Grant’s Trail Apartments, L.L.C., a Missouri Limited Liability Company (hereinafter the “Company”), filed its Notice of Winding Up for the Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Kerry Bush, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant, the amount of claim, the date on which the claim arose, the basis for the claim and any/all documentation in support of the claim.

All claims against the Company will be barred, unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS
AND CLAIMANTS AGAINST BARNES-BAKER AUTOMOTIVE GROUP, INC.**

On December 22, 2022, Barnes-Baker Automotive Group, Inc. filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective on December 22, 2022.

YOU ARE HEREBY NOTIFIED that if you believe you have a claim against Barnes-Baker Automotive Group, Inc., you must submit a summary in writing of the circumstances surrounding your claim to the said Barnes-Baker Automotive Group, Inc. at the following address: Barnes-Baker Automotive Group, Inc., C/O Robert Cowherd, Attorney at Law, P.O. Box 228, Chillicothe, MO 64601. Telephone: 660-646-0627.

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Barnes-Baker Automotive Group, Inc. will be barred unless the proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF CORPORATE DISSOLUTION

To All Creditors of and Claimants Against Custom Synthetics and Development, Inc.:

On January 17, 2023, Custom Synthetics and Development, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation, c/o Nicholas K. Robb, Esq., 2301 Village Dr., Ste. B, St. Joseph, Missouri 64506.

All claims must include: the name, address, and telephone number of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, and whether the claim is secured, and if so, a description of the collateral.

Because of the dissolution of Custom Synthetics and Development, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of the notices authorized by statute.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST ALW SOLUTIONS, INC.

On December 19, 2022, ALW Solutions, Inc., a Missouri Corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on December 19, 2022.

Said Corporation requests that all persons and organizations with claims against it present them immediately by letter to the Corporation at: ALW Solutions, Inc., c/o Gregory E. Robinson, P.C., 1422 Elbridge Payne, Suite 170, Chesterfield, Missouri 63017.

The summary of your claim must include the following information: (i) the name, address, and telephone number of the claimant; (ii) the amount claimed; (iii) the basis for the claim; (iv) the date(s) on which the event(s) on which the claim is based occurred; (v) whether the claim is secured, and if so, the collateral used as security; and (vi) documentation in support of the claim.

NOTICE: Because of the dissolution of ALW Solutions, Inc., any and all claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year – 47 (2022) and 48 (2023). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				47 MoReg 1457
1 CSR 10-1.010	Commissioner of Administration		This Issue		
1 CSR 10-3.010	Commissioner of Administration		48 MoReg 40		
1 CSR 15-1.207	Administrative Hearing Commission		47 MoReg 1767		
1 CSR 20-6.010	Personnel Advisory Board and Division of Personnel		This Issue		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health	This Issue	This Issue		
2 CSR 60-4.110	Grain Inspection and Warehousing		47 MoReg 823		
2 CSR 60-5.100	Grain Inspection and Warehousing		47 MoReg 824		
2 CSR 80-5.010	State Milk Board		This Issue		
2 CSR 90-10.020	Weights, Measures and Consumer Protection		47 MoReg 1424	48 MoReg 209	
2 CSR 90-21.010	Weights, Measures and Consumer Protection		48 MoReg 41		
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.410	Conservation Commission		48 MoReg 119		
3 CSR 10-7.431	Conservation Commission		48 MoReg 120		
3 CSR 10-7.433	Conservation Commission		48 MoReg 121		
3 CSR 10-7.450	Conservation Commission		48 MoReg 121		
3 CSR 10-7.455	Conservation Commission		48 MoReg 194		48 MoReg 150
3 CSR 10-9.354	Conservation Commission		47 MoReg 1501		48 MoReg 151
3 CSR 10-9.565	Conservation Commission		47 MoReg 1504		48 MoReg 151
3 CSR 10-11.110	Conservation Commission		48 MoReg 195		
3 CSR 10-11.111	Conservation Commission		48 MoReg 196		
3 CSR 10-11.112	Conservation Commission		48 MoReg 198		
3 CSR 10-11.115	Conservation Commission		47 MoReg 1281	48 MoReg 152	
3 CSR 10-11.120	Conservation Commission		48 MoReg 121		
3 CSR 10-11.160	Conservation Commission		47 MoReg 1508	48 MoReg 152	
3 CSR 10-11.184	Conservation Commission		47 MoReg 1281	48 MoReg 153	
3 CSR 10-11.185	Conservation Commission		47 MoReg 1282	48 MoReg 153	
3 CSR 10-11.215	Conservation Commission		47 MoReg 1285	48 MoReg 153	
3 CSR 10-12.110	Conservation Commission		47 MoReg 1285	48 MoReg 153	
3 CSR 10-12.135	Conservation Commission		47 MoReg 1285	48 MoReg 153	
3 CSR 10-12.140	Conservation Commission		47 MoReg 1286	48 MoReg 153	
3 CSR 10-12.145	Conservation Commission		47 MoReg 1289	48 MoReg 154	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 80-6.010	Economic Development Programs		47 MoReg 1709R		
4 CSR 85-1.010	Division of Business and Community Services		47 MoReg 1709R		
4 CSR 85-3.010	Division of Business and Community Services		47 MoReg 1709R		
4 CSR 85-3.020	Division of Business and Community Services		47 MoReg 1710R		
4 CSR 85-3.030	Division of Business and Community Services		47 MoReg 1710R		
4 CSR 85-3.040	Division of Business and Community Services		47 MoReg 1710R		
4 CSR 85-3.050	Division of Business and Community Services		47 MoReg 1711R		
4 CSR 260-1.010	Division of Savings and Loan Supervision		47 MoReg 1711R		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.210	Division of Learning Services		47 MoReg 550		
5 CSR 20-100.230	Division of Learning Services		This Issue		
5 CSR 20-100.340	Division of Learning Services <i>formerly 5 CSR 20-400.400</i>		48 MoReg 200		
5 CSR 20-300.110	Division of Learning Services		48 MoReg 200		
5 CSR 20-400.220	Division of Learning Services	47 MoReg 1419	47 MoReg 1424	48 MoReg 154	
5 CSR 20-400.370	Division of Learning Services		47 MoReg 1425		
5 CSR 20-400.400	Division of Learning Services <i>moved to 5 CSR 20-100.340</i>		48 MoReg 200		
5 CSR 20-400.610	Division of Learning Services		47 MoReg 1077	48 MoReg 95	
5 CSR 25-100.120	Office of Childhood		47 MoReg 1573		
5 CSR 25-100.330	Office of Childhood		47 MoReg 1078	48 MoReg 96	
5 CSR 25-200.060	Office of Childhood		47 MoReg 1430		
5 CSR 25-400.105	Office of Childhood		47 MoReg 1576		
5 CSR 25-500.102	Office of Childhood		47 MoReg 1577		
5 CSR 30-4.030	Division of Financial and Administrative Services		47 MoReg 872	47 MoReg 1723	
5 CSR 30-261.045	Division of Financial and Administrative Services		48 MoReg 201		
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-2.080	Commissioner of Higher Education		47 MoReg 1579R	48 MoReg 209R	
6 CSR 10-2.090	Commissioner of Higher Education		47 MoReg 1579R	48 MoReg 209R	
6 CSR 10-2.110	Commissioner of Higher Education		47 MoReg 1767R		
6 CSR 10-4.030	Commissioner of Higher Education		48 MoReg 122R		
6 CSR 25-1.010	Central Missouri State University		48 MoReg 122R		
6 CSR 250-1.010	University of Missouri		48 MoReg 122R		
6 CSR 250-1.020	University of Missouri		48 MoReg 123R		
6 CSR 250-2.010	University of Missouri		48 MoReg 123R		

RULE CHANGES SINCE UPDATEFebruary 15, 2023
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RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
6 CSR 250-2.020	University of Missouri		48 MoReg 123R		
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.020	Missouri Highways and Transportation Commission		47 MoReg 967	47 MoReg 1773	
7 CSR 10-7.010	Missouri Highways and Transportation Commission		48 MoReg 123		
7 CSR 10-7.030	Missouri Highways and Transportation Commission		48 MoReg 124		
7 CSR 10-17.020	Missouri Highways and Transportation Commission		47 MoReg 1508		
7 CSR 10-17.030	Missouri Highways and Transportation Commission		47 MoReg 1511		
7 CSR 10-17.040	Missouri Highways and Transportation Commission		47 MoReg 1512		
7 CSR 10-17.050	Missouri Highways and Transportation Commission		47 MoReg 1512		
7 CSR 10-17.060	Missouri Highways and Transportation Commission		47 MoReg 1514		
7 CSR 10-25.010	Missouri Highways and Transportation Commission		47 MoReg 967	47 MoReg 1773	
7 CSR 10-25.020	Missouri Highways and Transportation Commission		47 MoReg 1229	48 MoReg 154	
7 CSR 10-25.030	Missouri Highways and Transportation Commission		47 MoReg 968	47 MoReg 1773	
7 CSR 10-25.070	Missouri Highways and Transportation Commission		47 MoReg 968	47 MoReg 1773	
7 CSR 10-25.071	Missouri Highways and Transportation Commission		47 MoReg 968	47 MoReg 1774	
7 CSR 10-25.080	Missouri Highways and Transportation Commission		47 MoReg 969	47 MoReg 1774	
7 CSR 10-25.090	Missouri Highways and Transportation Commission		47 MoReg 969	47 MoReg 1774	
7 CSR 60-1.010	Highway Safety and Traffic Division		47 MoReg 1515R		
			47 MoReg 1515		
7 CSR 60-1.020	Highway Safety and Traffic Division		47 MoReg 1516R		
			47 MoReg 1516		
7 CSR 60-1.030	Highway Safety and Traffic Division		47 MoReg 1517R		
			47 MoReg 1517		
7 CSR 60-1.040	Highway Safety and Traffic Division		47 MoReg 1518R		
			47 MoReg 1518		
7 CSR 60-1.050	Highway Safety and Traffic Division		47 MoReg 1519R		
7 CSR 60-1.060	Highway Safety and Traffic Division		47 MoReg 1519R		
7 CSR 60-1.070	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.080	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.090	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.100	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.110	Highway Safety and Traffic Division		47 MoReg 1521R		
7 CSR 265-9.010	Motor Carrier and Railroad Safety		48 MoReg 125		
7 CSR 265-9.020	Motor Carrier and Railroad Safety		48 MoReg 125		
7 CSR 265-9.050	Motor Carrier and Railroad Safety		48 MoReg 126		
7 CSR 265-9.100	Motor Carrier and Railroad Safety		48 MoReg 126		
7 CSR 265-9.110	Motor Carrier and Railroad Safety		48 MoReg 127		
7 CSR 265-10.017	Motor Carrier and Railroad Safety		47 MoReg 970	47 MoReg 1774	
7 CSR 265-10.025	Motor Carrier and Railroad Safety		47 MoReg 970	47 MoReg 1775	
7 CSR 265-10.035	Motor Carrier and Railroad Safety		47 MoReg 971	47 MoReg 1775	
DEPARTMENT OF MENTAL HEALTH					
8 CSR 10-4.200	Division of Employment Security		This Issue R		
8 CSR 40-2.010	Division of Employment Security		This Issue		
8 CSR 40-2.100	Division of Employment Security		This Issue		
8 CSR 40-2.140	Division of Employment Security		This Issue		
8 CSR 40-2.150	Division of Employment Security		This Issue		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.210	Director, Department of Mental Health		47 MoReg 1233	47 MoReg 1775	
9 CSR 10-5.230	Director, Department of Mental Health		This Issue		
9 CSR 30-3.190	Certification Standards		47 MoReg 1432R	48 MoReg 209R	
			47 MoReg 1433	48 MoReg 210	
9 CSR 30-7.010	Certification Standards		47 MoReg 1768		
9 CSR 45-2.010	Division of Developmental Disabilities		47 MoReg 1580		
9 CSR 45-2.015	Division of Developmental Disabilities		47 MoReg 1585		
9 CSR 45-2.017	Division of Developmental Disabilities		47 MoReg 1587		
9 CSR 45-2.020	Division of Developmental Disabilities		47 MoReg 1591		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 20-6.010	Clean Water Commission		47 MoReg 1079	48 MoReg 155	
10 CSR 20-6.200	Clean Water Commission		47 MoReg 1081	48 MoReg 155	
10 CSR 90-2.010	State Parks		47 MoReg 1289	48 MoReg 156	
10 CSR 90-2.030	State Parks		47 MoReg 1290	48 MoReg 157	
10 CSR 90-2.050	State Parks		47 MoReg 1291	48 MoReg 157	
10 CSR 140-8.010	Division of Energy		47 MoReg 1082	47 MoReg 1723W	
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11.060	Adjutant General <i>moved to 11 CSR 20-1.060</i>			48 MoReg 163	
11 CSR 10-11.080	Adjutant General <i>moved to 11 CSR 20-1.080</i>			48 MoReg 163	
11 CSR 10-11.210	Adjutant General <i>moved to 11 CSR 20-1.210</i>			48 MoReg 163	
11 CSR 10-11.220	Adjutant General <i>moved to 11 CSR 20-1.220</i>			48 MoReg 163	
11 CSR 10-11.230	Adjutant General <i>moved to 11 CSR 20-1.230</i>			48 MoReg 163	
11 CSR 10-11.240	Adjutant General <i>moved to 11 CSR 20-1.240</i>			48 MoReg 163	
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20 CSR 2150-7.200	Physician Assistant Licensure Fees	48 MoReg 37	Jan. 1, 2023	June 29, 2023
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22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members	47 MoReg 1706	Jan. 1, 2023	June 29, 2023

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
2023			
23-02	Extends Executive Order 22-08, the State of Emergency, and waivers until February 28, 2023	January 24, 2023	Next Issue
23-01	Orders the commencement of the Missourians Aging with Dignity Initiative, with directives to support all citizens as they age	January 19, 2023	Next Issue
2022			
22-11	Extends Executive Order 22-08, the State of Emergency, and waivers until January 31, 2023	December 29, 2022	48 MoReg 193
22-10	Declares that the current State of Emergency shall permit certain vehicles be temporarily exempt from some hours of service requirements	December 21, 2022	48 MoReg 191
22-09	Declares a call and order into active service of the organized militia and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	December 20, 2022	48 MoReg 189
22-08	Declares a State of Emergency and waives certain regulations to allow other registered entities to fill liquefied petroleum gas containers owned by Gygr-Gas	December 15, 2022	48 MoReg 117
22-07	Extends Executive Order 22-04 to address drought-response efforts until March 1, 2023	November 28, 2022	48 MoReg 39
22-06	Closes executive branch state offices for Friday, November 25, 2022	November 7, 2022	47 MoReg 1708
Proclamation	Convenes the One Hundred First General Assembly in the First Extraordinary Session of the Second Regular Session regarding extension of agricultural tax credits and to enact legislation amending Missouri income tax	August 22, 2022	47 MoReg 1420
22-05	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems	July 26, 2022	47 MoReg 1279
22-04	Declares a drought alert for 53 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	July 21, 2022	47 MoReg 1277
Proclamation	In accordance with <i>Dobbs</i> , Section 188.017, RSMo, is hereby effective as of the date of this order	June 24, 2022	47 MoReg 1075
22-03	Terminates the State of Emergency declared in Executive Order 22-02	February 7, 2022	47 MoReg 411
22-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	February 1, 2022	47 MoReg 304
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council	January 7, 2022	47 MoReg 222

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Administrative Rules Contact Information

General Inquiries

(573) 751-4015

rules@sos.mo.gov

Curtis W. Treat, Editor-in-Chief

(573) 751-2022

curtis.treat@sos.mo.gov

Stephanie Martin, Managing Editor

(573) 522-2196

stephanie.martin@sos.mo.gov

Jacqueline D. White, Publication Specialist II

(573) 526-1259

jacqueline.white@sos.mo.gov

Vonne Kilbourn, Editor II

(573) 751-1818

vonne.kilbourn@sos.mo.gov

Jennifer Alex Moore, Editor

(573) 522-2593

jennifer.moore@sos.mo.gov

Tammy Winkelman, Administrative Aide III

(573) 751-4015

tammy.winkelman@sos.mo.gov